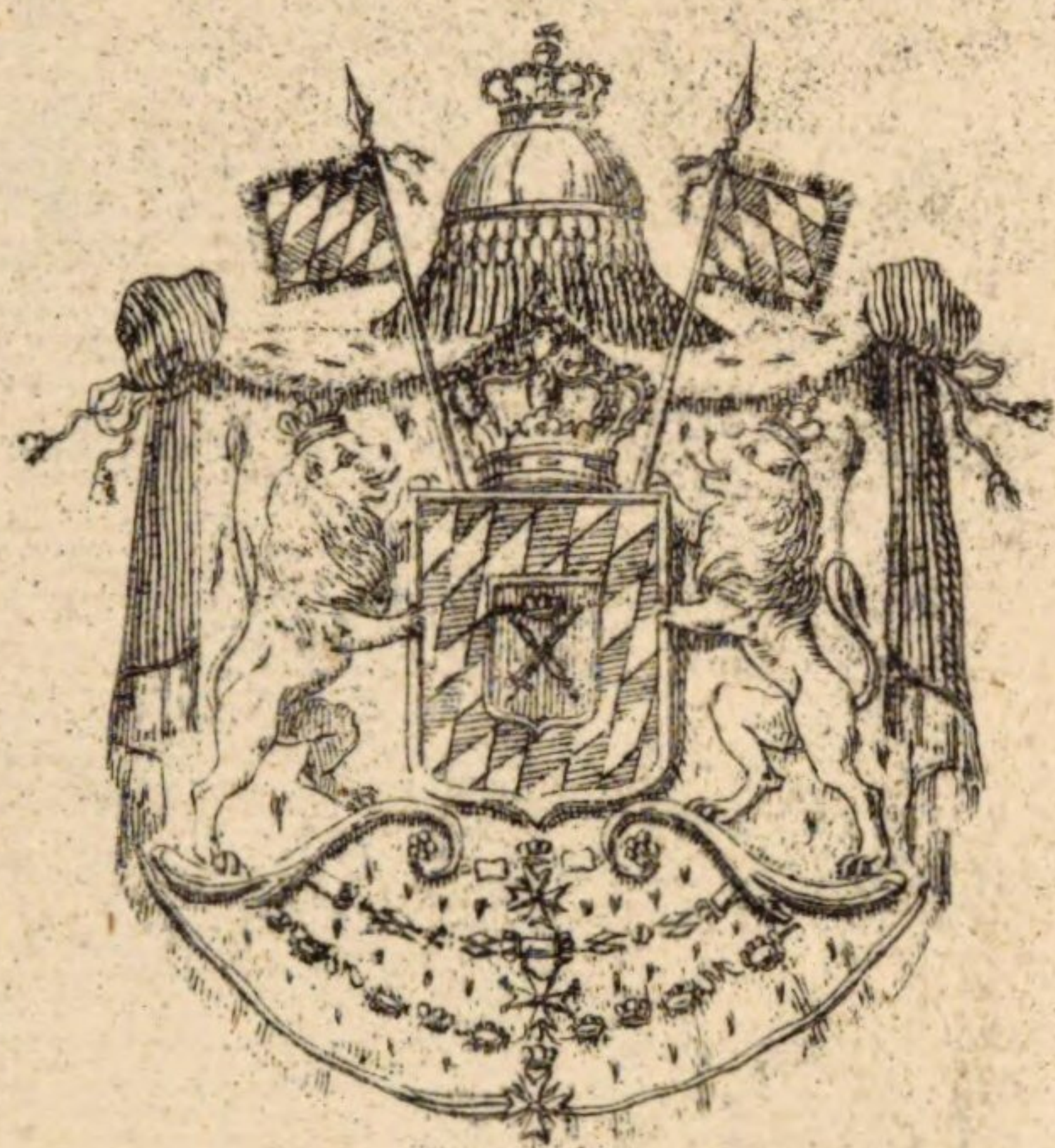


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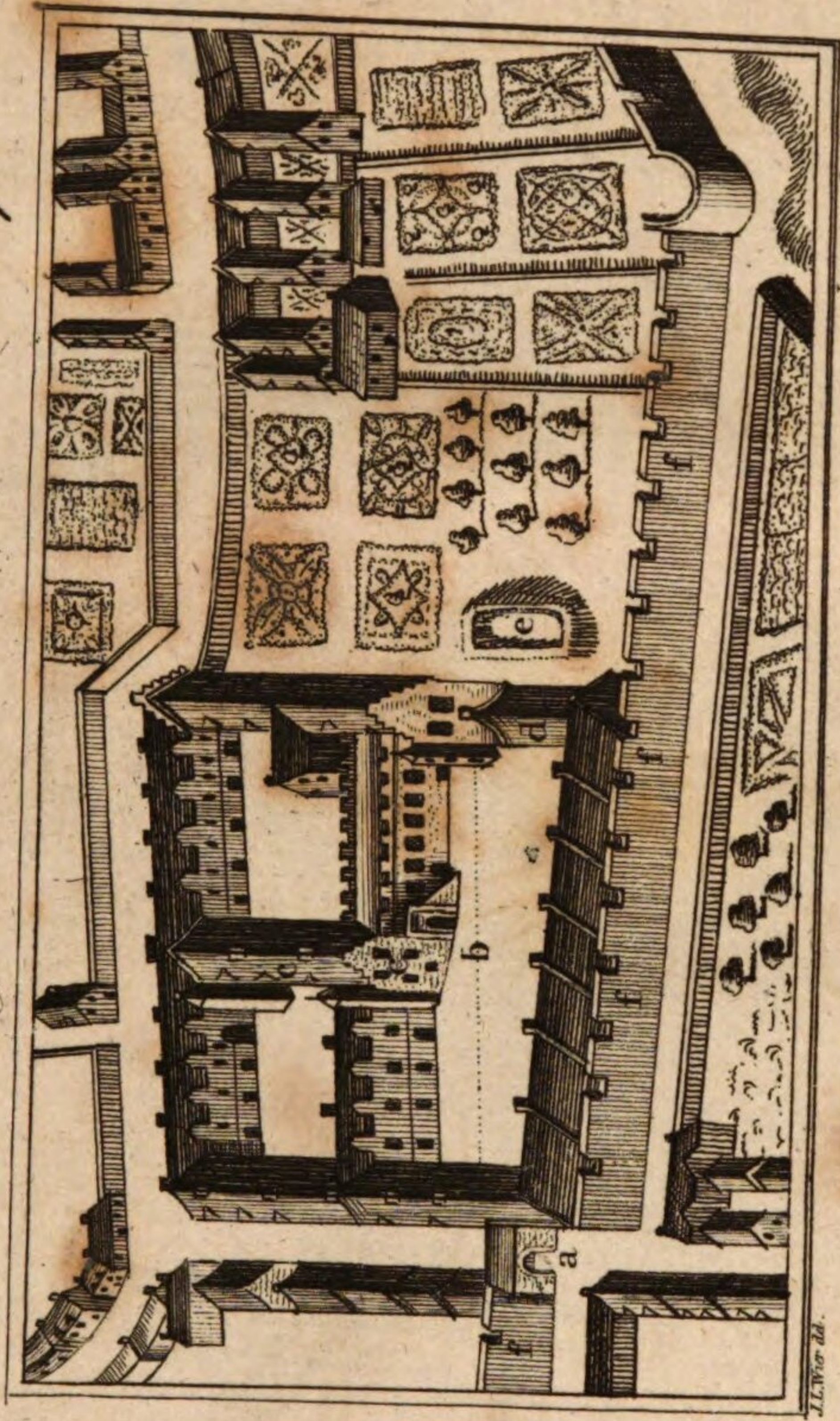
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College of Edinburgh from de Wits Map.

See Vol.I. p. 31. Vol.II. p. 18.



a. Potterow Port, formerly the Kirk of Field Port.

b. Upper Area of the College, where the Kirk of Field formerly stood.

c. Hamilton House.

d. The Provost's House where the Principal afterwards (1646) had his Chambers

e. Ruins of the Prebendaries Chamber in which

Darnley was blown up: on a line with the Town wall at the Potterow Port.

ff. The late Town wall extending beyond the line of the wall at the Potterow Port.

THE
HISTORY OF SCOTLAND,

FROM THE
UNION OF THE CROWNS

ON THE
ACCESSION OF JAMES VI. TO THE THRONE OF ENGLAND,
TO

THE UNION OF THE KINGDOMS

IN THE REIGN OF QUEEN ANNE.

THE THIRD EDITION, CORRECTED.

WITH A
PRELIMINARY DISSERTATION

ON THE PARTICIPATION OF
MARY, QUEEN OF SCOTS, IN THE MURDER OF
DARNLEY.

BY
MALCOLM LAING, ESQ.

IN FOUR VOLUMES.

VOL. I.



LONDON:

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1819.

HISTORY OF SCOTLAND

UNION OF THE CROWNS

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**BARNARD AND FARLEY,
Skinner Street, London.**

1818.

PREFACE

TO

THE FIRST EDITION.

THE following work was chiefly undertaken, because a History of Scotland, from the Union of the Crowns to the Union of the Kingdoms, seemed to be still wanting to render its annals complete. The early history of Scotland is in other hands: the most important period has been executed by Dr. Robertson, with a fidelity not inferior to the elegance and the success of his work; but the domestic transactions of Scotland, from the Accession to the Union, have hitherto remained concealed in manuscripts, or are buried in the obscure volumes of ecclesiastical disputation. The most prominent events are alone recorded by English historians; but the causes, the consequences, and the whole train of subordinate incidents, are imperfectly known. It is not my province to determine, whether, or to what extent I have succeeded, in my design, to give a just and impartial continuation of the History of Scotland, down to the period when its History expires.

During the whole of the civil wars, it is im-

possible to separate the history of the two kingdoms. Without departing therefore from my professed design, I have entered largely into the relative affairs of England, and have omitted no opportunity to illustrate, concisely, the most disputed passages concerning the origin and continuance of the civil wars, the character and motives of Charles I. and the cause of his death. It is here, where the judgment is pre-occupied with some historical theory or political system that I anticipate the principal objections to my work; but if I deviate from our recent historians, I approach the nearer to those original authorities which I have been the more careful to quote, and which they, who dispute my conclusions, will do well to consult.

The manuscript materials employed in this history are chiefly derived from the library of the Faculty of Advocates in Edinburgh, to which I enjoy a professional access. Calderwood's MS. cited wherever the printed abstract is defective, Matthew Crawford's and some other manuscript histories, were procured from the archives of the church of Scotland. The records of the court of justiciary, and of the privy council, have been frequently examined: but I am also indebted for many valuable materials, to the private repositories of gentlemen, whose friendship I am proud to acknowledge. Mr. Erskine of Mar communicated to me freely, and without solici-

PREFACE.

v

tation, the correspondence of his ancestors, the Earl of Mar and his brother Lord Grange. Through the friendship of Mr. Clerk of Elden, to whose Naval Tactics the nation is indebted so largely for its naval victories, I obtained full access to the historical writings of his father, Sir John Clerk of Pennycuick, a commissioner at the Union; and from the honourable Mr. Maule I procured the transcripts of Fountainhall's Memoirs, and of other MSS. preserved by his ancestor, Mr. Henry Maule.

Instead of extracting, from these materials, a collection of original papers, in which it would be difficult to separate historical facts from the fanaticism of the age, I have subjoined such Notes and Illustrations as were necessary to explain at length, and to confirm the most doubtful, or disputed passages in each volume. I have departed however from this plan, in the concluding Dissertation, on the supposed authenticity of Ossian's Poems. The prevailing belief of their authenticity, at home and abroad, will render it the less surprising, that, in a question respecting our literature and early history, I was solicitous to justify that incredulity which I have so freely and repeatedly expressed. As a short note was found insufficient for the purpose, I have entered, as concisely as possible, into a copious detection of those spurious poems, which are supposed by some to reflect the greatest honour, and by others

the greatest disgrace, upon that part of the nation which claims, and has attested the imposture as its own.

As this work forms a continuation of Dr. Robertson's *History of Scotland*, it is my design to add, in a preliminary, or rather an intermediate volume, an *Historical Dissertation* on the participation of Mary, Queen of Scots, in the murder of her husband. When revived by Goodall, the question was decided by Hume and Robertson; but the declamatory apologies, which have since appeared, serve only to perplex the reader, and to render the controversy more obscure than ever. A clear and concise deduction of facts, in the order of time, and a critical examination of the letters, sonnets, and other evidence, are still requisite to establish the innocence, or the guilt of Mary, on a better foundation than the perversion of almost every historical fact. Upon this subject I have already discovered, and may still expect to procure some original materials, subservient to the evidence of which the public is possessed.

The reader will be disappointed who expects to be gratified, in this work, with any pointed, political allusions to the present times. The present ever appears the most important period, and the political productions of the day are overpaid with praise at the time, in proportion as they are afterwards neglected or contemned. But the

following History was chiefly written in a distant solitude, far removed from political discussion. It is difficult to speak of the present times, without degenerating either into adulation or censure; and it would be absurd indeed to render the history of the last century a comment on the philosophy or the folly of the present.

EDINBURGH, *June 2, 1800.*

P. S. The Dissertation formerly proposed, on the participation of Mary, Queen of Scots, in the murder of her husband, is now submitted to the public, as a preliminary work to my History of Scotland, and as a necessary supplement to Dr. Robertson's History, of which mine can only be considered as an imperfect continuation. The subject has unavoidably extended to two volumes, as I did not choose, by retrenching the Appendix, to deprive my argument of illustration or of proof. But I trust that the reader will be better pleased to possess the evidence of the Queen's guilt entire, than to be referred to authorities which are not always accessible, and which few, perhaps, would be disposed to consult.

EDINBURGH, *January 18, 1804.*

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AN
HISTORICAL DISSERTATION

ON THE PARTICIPATION OF

MARY QUEEN OF SCOTS

IN THE

MURDER OF DARNLEY.

THE innocence of Mary Queen of Scots, or her secret participation in the murder of Darnley, her second husband, has been long controverted, and at the distance of more than two centuries, remains undetermined. The opposite works of Buchanan and Lesly were differently received, according to the prejudices and political disputes of the times. Lesly's Defence of the Honour of Mary was succeeded on the continent by a crowd of early apologists, who, instead of investigating his facts and assertions, wrote as if released by their residence abroad, from the scrupulous observance of historical truth. Buchanan's Detection of her Guilt was adopted by Thuanus; but the authority of Lesly and his numerous followers, was preferred by Camden to the authentic docu-

Introduc-
tion.

ments in the hands of his friends. The question afterwards continued dormant, till revived by the Jacobites, whose literary talents and party zeal, were employed to vindicate, in every particular, an ill-fated house which they were unable to restore. The original documents were then examined, and published by Anderson, Keith, and Goodall, Haynes and Murdin; writers of the most opposite sects and discordant tenets, whose industry, however, furnished a large mass of materials for Robertson and Hume. It was undoubtedly the interest of Robertson to render Mary the heroine of his story, and her innocence would have coincided with the political opinions or the prejudices of Hume; but the conclusions which those great historians have formed of her guilt, can only be ascribed to their deference and unbiassed regard for truth. Their impartial reasonings seemed for a time to decide the controversy; till the arguments of Keith and Goodall were resumed by a series of new apologists. Gilbert Stuart's history, written from motives of personal hostility to Robertson, is little else than an elaborate apology for every successive circumstance in the conduct of Mary; but the others proceed analytically, to separate, in order to pervert or to palliate, historical facts, till the judgment, oppressed by a minute detail of unconnected particulars, is perplexed and confounded, rather

than convinced. We search in vain for that moral evidence arising from her conduct, which is often more satisfactory than direct proofs; and the question still remains undecided; or is determined by a gross, and scurrilous perversion of every historical fact.

On a subject, upon which few discoveries are now to be made, a clear and comprehensive statement of facts, in the order of time, is the best criterion of historical truth; and when combined with a full and impartial examination of the direct evidence, may afford a convincing proof of her innocence, or detection of her guilt. The controversy may be reduced to seven distinct heads; under which every important circumstance may be easily comprehended. I propose, therefore, in the following chapters, to investigate historically; I. The facts antecedent and conducive to the murder of Darnley; II. The events that succeeded his death; III. The Conferences at York and at Westminster; and shall then proceed to examine critically, IV. The Letters from Mary to Bothwell; V. Her Sonnets; VI. The Contracts of Marriage that passed between them; VII. The Confessions and Judicial Depositions of those who suffered for the murder of her husband.

CHAPTER I.

*The Facts antecedent to the Murder.*CHAP.
I.Mary's
early edu-
cation,

1. **I**T is necessary to premise, that in addition to every personal charm and accomplishment, every moral and mental qualification has been ascribed to Mary ; in order to deduce her innocence the better, from the ideal perfection with which her character is so gratuitously invested. But the court of Henry II. was the most dissolute, as well as the most refined, in Europe. Gallantry and licentious intrigues were the prevailing vices ; and in France, as well as in Scotland, assassination was a frequent and familiar crime. The early education of Mary under her uncles and Catherine of Medicis, at a court which produced such flagitious characters as Charles IX. Henry III. and Margaret of Anjou, and among persons who afterwards projected the massacre of Paris, can give us no assurance of a mind utterly incapable of those crimes which have been laid to her charge. At the same time, it would be not less unjust, to indulge a previous suspicion of her guilt, than improper to deduce a presumption of her innocence, from her education in a profligate and luxurious court.

2. Her marriage with Darnley is the first certain indication of the vigour of her character, and of the spirit with which she prosecuted her favourite designs. Hitherto she had acted in France, under the controul of her uncles, and in Scotland by the advice of Murray, her natural brother, whose prudent management, and whose established credit among the reformers, had made her government respected, and her person beloved. When suddenly enamoured of the tall and graceful, yet robust stature, the youthful bloom, and the elegant, but superficial accomplishments of Darnley, she was blind to the vices and defects of his character, and persisted in a marriage, of which her protestant nobility generally disapproved. As his religion was more than suspected, they were justly alarmed for the security of the reformed faith, if their recent alliance with England should ever be dissolved¹. Murray in particular, through whose interest Lennox had been lately restored in parliament, was alarmed at the undisguised resentment of Darnley. He refused to sign an approbation of the marriage², and being apprehensive of some attempt upon his life, he absented himself, under the pretext of sickness, from a convention of estates which was held at Perth. The Queen, when informed of an opposite design, to intercept Darnley and herself, in

CHAP.
I.

1565.
and marriage with
Darnley.

¹ Keith's History, pp. 268-9. Append. 163-5-7.

² Id. 274. Append. 160. Knox, 367. edit. 1732.

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I.

1565.

July 2.

their return from Perth, passed precipitately to Calender, across the Forth; while Murray remained in Lochleven castle, Argyle at Castle Campbell, and Hamilton at Kinneil. The *Raid of Beith*, as their conspiracy was termed, and the counter-project to assassinate Murray, must remain uncertain; and although the reformers had actually assembled at Edinburgh, and Randolph had certainly been sounded on the delivery of Lennox and his son to the English, the most probable supposition is, that each was a false, or premature alarm³. On the queen's return, her vas-

July 15.

³ Keith, 287—9, 90. Randolph, the English resident, writes, that Argyle and Hamilton concurred with Murray in opinion, that the nobility would be forced to assemble, to provide for the state; that on hearing of Lady Lennox's imprisonment in the tower, some wished the father and son to keep her company; and that the question was asked him, whether, if they (Lennox and Darnley) were delivered up at Berwick, the English would receive them. Ibid. But there is no intimation of any preparation or design to seize them, which Randolph treats as groundless, and in his confidential dispatches to Cecil, he had no motive to conceal the fact. The queen's silence in her proclamations, when a supposititious plot was certainly desirable, assures us, that there was then no evidence of the *Raid of Beith*, and that it was justly considered as a false alarm. Melvil, writing from memory, in his old age, adopted the common report of the queen's party, with this additional mistake, that the discontented lords, failing of their enterprise, took to the fields; (Melvil's Memoirs, p. 56,) whereas they did not take the field till six weeks afterwards, when compelled by the queen. The evidence of Ar-

sals were summoned to attend in arms, and the conspirators were cited to appear at court, to answer, not for their treasonable attempt to surprise and seize the person of their sovereign, but for their calumnious reports of the designs of Darnley against Murray's life. The *Raid of Beith*, the only decent pretext for assembling an army, is not once mentioned in the proclamations against them; a sufficient proof that no certain information had been procured, nor perhaps any serious belief entertained, of that treasonable design. They were merely charged with uttering false reports to excite discontent: Murray's declaration of the conspiracy for his slaughter was pronounced "not so sufficient a purgation as the matter required⁴;" and upon the queen's marriage he was proclaimed an outlaw, as he refused to entrust his person, on her safe conduct, to a court where the influence of Darnley and his associates prevailed. A few days after her marriage, she appointed a numerous army to assemble. The discontented lords, who, after a fruitless consultation at Stirling, had remained a month at their own houses,

July 29.

gyle and Rothes, I shall examine afterwards; but the plot, as told, was evidently a false alarm. When informed, on returning to Perth on Friday, of a design to intercept her at the path of Dron in the neighbourhood, or at the kirk of Beith, nearer Queensferry, the queen passed hastily, early on Saturday morning, through those places, on the road to Cullender, to the baptism of Lord Livingstone's child, which she had promised to attend that night. Keith, 291. Knox, 377.

⁴ Keith, 304-5. Append. 106.

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I.

1565.

Aug. 25.

retired to the west, and were compelled to take arms. They were pursued by the queen, who took the field in person, and, rejecting every intercession, or offer of submission, drove them before her, from Glasgow to Edinburgh, thence to Dumfries; and with an army of eighteen thousand men, secured their castles, and allowed them no rest nor respite till they were expelled from Scotland. In these measures we discover the decision, spirit, and vigorous resolution of Mary's character, whose suspicions anticipated, and whose exertions very probably prevented, a dangerous insurrection that might have arisen on her marriage.

Murder of
Rizio.
1566.

3. Before a few months had elapsed, her ardent affection for Darnley began to subside⁵. His disposition was vain, capricious, ungrateful, vindictive, and insolent: he was addicted to intemperate, and low pleasures, in the pursuit of which he deserted the queen; their domestic dissensions were frequently observed; and when she discovered his numerous defects and vices, she began to repent of her precipitate choice. She was still exasperated against Murray and his associates, though inclined, from political motives, to assent to their return; when instructions received from her uncle, the Cardinal of Lorraine, suddenly induced her to become a party

⁵ Keith, 329. Append. 165-6. Knox, 392. Robertson's Hist. II. 432. edit. 1787.

to the league of Bayonne. It would be unjust to suppose that upon acceding to the *Holy League* for the preservation of the catholic faith, she was apprised of the full extent of the design to exterminate the protestants, by a general massacre, throughout christendom; but the instructions from her uncle rendered her inexorable towards the banished lords. Their attainder, in a parliament summoned for the purpose, was prevented only by the murder of Rizio. Darnley, not satisfied with the title of king, had demanded the crown matrimonial; and for the destruction of Rizio, he conspired with Morton, Maitland of Lethington, and other statesmen, whom that upstart foreigner had supplanted in the favour of the queen. The preservation of the banished lords, of their own power, and of the protestant religion, was their professed, and undoubtedly their real motive for seizing Rizio, in order to execute him in public, as they at first intended⁶; but the assassination of a favourite servant, in the presence of the queen while pregnant, must be ascribed to the jealous and vindictive caprice of

CHAP.

I.

1566.

March 9.

⁶ Buchanan, l. xviii. p. 346. Knox, or rather David Buchanan, his continuator, and the Earl of Bedford, (Robertson's, ii. 430), mention the design to execute Rizio publicly, for which purpose cords were provided, but that he was dispatched by the haste and rage of the conspirators, to Morton's regret. Knox, 392. The queen, in her letter to Archbishop Beton, mentions the cords, as intended to hang Balfour.

CHAP.

I.

1566.

her husband⁷. When the crime was perpetrated, she desisted from vain lamentations and tears, and declared that henceforth she would study only revenge. She directed Melvil to rouse the citizens; and the banished lords having, on the succeeding evening, availed themselves of the plot to return to court, she employed the most skilful management to detach her brother and her husband from the conspirators; secured Murray by the promise of an ample indemnity to his associates, and persuaded Darnley to procure the removal of the guards, and to accompany her at midnight, in her flight to Dunbar⁸. Bothwell and

Keith, 332. Ruthven imagined that Rizio had been taken down to the king's chamber; whereas he was slain at the outer door of the queen's apartment. Id. Append. 123.

⁷ "To taunt him in her presence, as she had not entertained her husband as she ought." Id. 122.

⁸ Ibid. Melvil, 67. Knox, 393. It is evident that Murray was not accessory to the murder, but availed himself of an intimation of the plot, to return, on the king's invitation, from exile. He received, but it does not appear that he signed the articles framed between Darnley and Ruthven; yet he is represented in this controversy, as the author of the design to murder Rizio in the queen's presence, of which he was probably ignorant. I inquire not into Rizio's familiarity with Mary, of which there is no proof now, but her husband's suspicions. But that Rizio was old, deformed and decrepid, is an interpolation of Dr. Mackenzie's, in his edition of Ruthven's Narrative. Mackenzie's Lives of Scottish Writers, iii. 65. Blackwood says, that he was *assez agé, laid, morne et mal plaisant* (Jebb, ii. 202), which is transcribed by Guyon, in

Huntley were prepared for her escape, and on summoning her nobility and subjects to her aid, she returned in a few days, with eight thousand men to Edinburgh, and again expelled her opponents from Scotland. Upon this, as on the former occasion, the same vigour, spirit and resolution are discernible in her conduct; and she suppressed a conspiracy of the most subtle statesmen, by her consummate prudence, art, and address.

CHAP.
I.

1566.

4. From that moment her husband was uniformly neglected and contemned. It was impossible ever to forget, or perhaps to forgive, a barbarous outrage committed in her presence, which from her advanced pregnancy was so dangerous to her life; and Melvil, an acute and penetrating observer, “could perceive nothing from that day forth, but great grudges that she entertained in “her heart.” Her husband’s denial of all share in the conspiracy, incurred the public contempt. She suspected all those who approached his person; she even upbraided Melvil, who attempted to reclaim him; and as no confidence could be placed in his character, the queen’s protection and the passage quoted by Lord Elibank: “Il étoit assez âgé et laid, d’une humeur morgne et mauvais plaisant.” Lord Elibank’s letter to Lord Hailes, 50. This, if true, corresponds sufficiently with Buchanan’s account, that he was ugly, but not past his vigour.

The
queen’s
aversion to
Darnley,

⁹ Melvil’s Memoirs, 66, edit. 1683.

CHAP.
I.
1566.
June 19.

favour were no sooner withdrawn from him, than he was universally shunned. After her delivery, she removed secretly from the castle, and was followed by Darnley, to Alloa, Stirling, Meggetland, and back again to Edinburgh, as if she were desirous to escape from the presence of her husband. They seldom ate, conversed, or cohabited together: and as her aversion became daily more apparent and incurable, he was attended by none but a few of his own servants, and was exposed to studied neglect and undissembled scorn¹⁰. In this situation he embraced a sudden resolution to embark for the continent, and the artful representations both from Le Croc, and from the privy council, to the French court, of the queen's

¹⁰ Melvil's Memoirs. Robertson, ii. 433. Keith, Pref. vii. Thin, the continuator of Holinshed, observes, that the queen, accompanied by her husband and the Earls of Huntley, Murray, Bothwell, and others, went to hunt in Meggetland; from which Keith and Goodall infer, that her flight from the king was false. But it proves the extreme accuracy of Cecil's, or Murray's Diary, inserted in our Appendix, "that the queene past to Meggetland to the huntis;" *till which time*, "the king was put to abyde in Dalkeith, and after the returninge from the huntis, was sent," as Thin informs us, "to Striviling. About this tyme my lord of Murray agreeit the king and her, and they past to bed togedder." A temporary reconciliation was effected by Murray, but it is ridiculous to consider Thin as a well informed historian. Holinshed, ii. 384. Keith, 345. Goodall, i. 295.

endeavours to prevent his flight, are insufficient to disguise the state of sullen desperation to which he was thus reduced ¹¹.

CHAP.
I.
1566.

5. In proportion as her husband sunk, the Earl of Bothwell rose in her confidence and esteem. ^{and affection for Bothwell.}

He had adhered, though a protestant, to her mother, the queen regent, against the congregation, and continued abroad in the service of Mary, before her return to Scotland, from whence he was soon expelled for a supposed plot against Murray's life. On the disgrace and banishment of that nobleman, he was recalled and received into immediate favour; and on the assassination of Rizio, he acquired, by his successful services, the most unbounded influence over the mind of the queen. In addition to the wardenship of the three marches, till then conferred upon separate persons, he was rewarded with the office of lord high admiral, the abbey of Melrose and Haddington, and the castle and lordship of Dunbar; together with an extensive grant of the crown demesnes¹². Huntley, whose sister he had lately married, was appointed chancellor by his interest,

¹¹ Keith, 345-6. From Lethington's letter to Archbishop Beton, (see Appendix, No. I.) it appears, that the members of council, instead of writing, were required by the queen to subscribe those letters to the French court, which are preposterously quoted as proofs of her affection, and of her husband's caprice.

¹² Knox, 386-96. Anderson, i. 90. Melvil, 67.

CHAP.

I.

1566.

Oct. 7.

and all favours and preferment passed through his hands. His opinion was consulted upon every occasion, and his interposition was employed in every transaction at court. His extensive possessions had rendered him powerful; his birth and personal advantages vain and ambitious; his embarrassments desperate; and when the queen's attachment to Darnley was converted into cold mistrust, or a rooted aversion, his faithful services, insinuating address, and unremitted assiduity, are supposed to have made a deep impression upon her susceptible heart. According to the representations of her enemies, she acknowledged to Murray, when she was afterwards confined in Lochleven castle, that she was first betrayed into Bothwell's arms, on her return from Alloa¹³; but the alarm which she felt, and the anxiety which she certainly expressed for his safety, on his being wounded in Liddesdale, are convincing proofs of the most tender affection. The day before her arrival at Jedburgh, to hold a court of justice, Bothwell had proceeded to Liddesdale to apprehend some thieves, and was attacked and wounded by one whom he had shot unawares, and attempted to seize¹⁴. There was no insurrection to demand

¹³ Buchanan's Detection, 2. compared with Keith, 445.

¹⁴ Buchanan says, by a base thief, whom he had mortally wounded with a bullet, after he was taken; (Hist. 349. Detect. 3.) Birrel observes, that he was "deidly woundit in the

her presence ; no visible circumstance to require, or even to justify, a visit from the queen.

CHAP.

I.

1566.

“ But the queen understanding the certain report of the accident,” according to a contemporary altogether partial to her fame, “ was

hand by John Elliot, or John of the Park, whose head was sent in to Edinburgh thereafter ;” (Diary, 6.) the MS. which Crawford employed, entitled *The Historie and Life of King James the Sext*, informs us, that “ being sent to Liddesdale, to compell certane unbrydlet, insolent theevies to shaw thair obedience, they invaded him fearcelie, and hurt him in divers partes of his bodye and head, &c. and that in particular by the handis of John Elliot of the Park ;” (infra note 15) and Robert Melvil mentions in a letter, that “ Bothwell having occasion to ride to Liddesdale, to bring in some of the Elliots, was hurt by one of them,” and adds, that “ the nobility were in gude accord among themselvis, and the country quiet.” Keith, 351. From all this it appears, that there was no insurrection, and that Bothwell received some severe wounds from the despair of a thief, (noted in Pinkerton’s *Ancient Scottish Poems*, ii. 332,) whom he had previously shot. Goodall adds some facts of his own, which Tytler has softened ; that on the news of this *insurrection*, and of Bothwell being *slain*, the queen (and council, according to Goodall,) with an *armed force*, made a *sudden march* to the hermitage ; but, finding the rioters had fled (or, according to Goodall, had taken refuge in England,) she the very same day returned to Jedburgh. Goodall, i. 304. Tytler, ii. 39. Robertson justly observes, that when the queen found Bothwell in no danger, she instantly returned ; after which we hear no more of the insurrection, and have no proof that the rioters took refuge in England. i. 389, note.

CHAP. I. "so heichlie greevit in hairt, that schoe took na
1566. "repose in bodye till schoe sawe him¹⁵." No

¹⁵ *The Historie and Life of King James the Sext*, the manuscript from which David Crawford of Drumsoy, compiled his Memoirs. It is necessary to observe, that Crawford's Memoirs are a downright forgery, which has introduced much error into the present controversy. Having found a MS. history of the times, he expunged every passage unfavourable to Mary, inserted every fact or assertion which he found in Camden, Spottiswood, or Melvil, whom he quotes on the margin as collateral authorities; and after compiling memoirs of his own, protests, that without wresting the words, he has adhered to the sense and meaning of the original. Crawford's Memoirs, pref. Keith, who possessed a copy of the MS. gave the first intimation of the forgery (p. 333), which the very first paragraph is sufficient to detect. Id. 351, note. From Goodall's advertisement to the second edition, it appears, that the MS. was transferred to Mr. Hamilton of Wishay. On making proper inquiry, I had the good fortune to find it among the papers of his descendant, the present Lord Belhaven, and a few copies have been since printed. From the same advertisement it appears, that Goodall collated Crawford's Memoirs, not only with Keith's copy, but with another copy of the same MS. in the Advocate's library, entitled, *Memoirs of the Four Regents*, nor had Goodall the honesty to explain the forgery which he must have perceived, or to state, in a single instance, the discrepancy between the MS. and the printed memoirs. Crawford was historiographer for Scotland in Queen Anne's reign; and Whitaker determines, that the memoirs were written by Gordon of Lochnvar, one of Mary's commissioners, from his minute account of the conference at York, which Crawford transcribed almost *verbatim* from Melvil's Memoirs, with the addition of some papers from the Cotton Library. Whitaker's Vindica-

sooner was she informed of his situation, than she rode from Jedburgh, with a few attendants, to Hermitage Castle, whither Bothwell had been conveyed; a journey of twenty Scotch miles, in the month of October, through a country infested with banditti, and at that season almost impassable¹⁶. On discovering that his wounds were not dangerous, she recollected the hazard to which she was herself exposed, from the licentious borderers, and she returned to Jedburgh that same

tion of Mary, iii. 451. Crawford procured large transcripts of the Cotton papers, published afterwards by Anderson and Goodall, which he lodged in three volumes in the Advocate's library.

¹⁶ Cecil's, or Murray's Diary, to which Buchanan adheres, affirms, that Bothwell was hurt in Liddisdale, and that the queen rode to Borthwick, on the 7th of October, and on the 8th, when apprised of the accident, she posted from thence, by Melrose, to Jedburgh; and then, though assured of his life, to the Hermitage, from which she returned to Jedburgh that night. Crawford's MS. observes, that "being at Jedburgh, she understood the certain report of the accident, &c." but I suspect much that Buchanan is correct. Birrel's Diary mentions, that on the 8th of October the queen went out of Edinburgh to Jedburgh, to hold a Justicé-eyre, and adds, "I Earl of Bothwell, was deidly hurt in the hand by John Elliot of Park." It is certain that she posted to the Hermitage, on the first notice of Bothwell's wound; but if she went to Borthwick on the evening of the 7th, Birrel would mark her departure, and Bothwell's accident, in his Diary, next day, when he heard of both. If so, she must have performed a journey, from Borthwick to the Hermitage, and back again to Jedburgh, of more than sixty miles.

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night. The consequence of this expedition was a burning fever, occasioned by a rapid journey of forty miles, by the night air, and above all “by the great distress of her mind for the Earl of Bothwell;” or, according to Lethington, who conceals the circumstance of the journey, her sickness was “causit of thought or displeasure, and I trow, by that I could wring further of her awin declaration to me, the rote of it is the king¹⁷.” Her life was despaired of for many days. On beginning to recover, she was visited by her husband, whom she received so coldly, that he returned to Stirling the very next day¹⁸. In the meanwhile, Bothwell was con-

Oct. 28.

¹⁷ Crawford's MS. Keith, Pref. 7. Append. 133-5. See Appendix at the end of the volume, No. I.

¹⁸ His late appearance at Jedburgh is ascribed to inattention, but the Historie of James the Sext, agrees with Buchanan, that when he understood at Glasgow, “of this soudaine visitatioun, he addrest himself with expeditioun, first to Edinburgh, and next to Jedburgh, notwithstanding quhair-of he was not made welcome as appertenit;” which the author ascribes to the murder of Rizio. Le Croc writes on the 24th from Jedburgh: “Si est ce qu'il a été adverty par quelqu'un, et a eu du temps assez pour venir s'il eust voulu, c'est une faulte que je ne puis excuser.” Keith, Append. 133. But Birrell, who might have heard early of Bothwell's wound, from the information sent to the queen at Borthwick, informs us, that notice of her sickness came not to Edinburgh till October 25, when public prayers were ordered for her life. It is not likely that Darnley, who had no friend at court, received earlier notice at Glasgow; and his expedition must be

veyed to Jedburgh; and on the convalescence of both, she resumed her progress by Kelso and Berwick, along the eastern coast, till she arrived at Craigmillar.

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Nov. 1.

6. During her residence there, she sunk into a profound melancholy; heaving deep sighs, and frequently repeating this emphatical expression, *I could wish to be dead*. Her husband came and remained a week; but Le Croc, the French resident, observes, that the injury she has received she will never forget. "For scho hes done him," says Lethington, "sa great honour without the advyce of her frends, and contrary to the advyse of her subjects, and he on the tother part hes recompensit her with sik ingratitude, and misuses himself sa far towards her, that it is ane heart break for her to think that he sould be her husband, and how to be free of him scho sees na outgait¹⁹." There were now no hopes of an accommodation between them; among other reasons, says Le Croc, "because he will neither humble himself as he ought, nor can the queen perceive any nobleman speaking to him, but immediately she suspects some contrivance between them²⁰." The expedient of

admitted, in reaching Jedburgh on the 28th, the day after Hay, the messenger's departure for France. Keith, Pref. 7. Append. 136, where it appears that Bothwell had already been conveyed to Jedburgh.

¹⁹ See Appendix, No. I. ²⁰ Keith, Pref. 7. Melvil, 75.

a divorce was suggested by some of the nobility present, who perceived her settled grief and inveterate aversion; but upon this subject the conference can only be explained in her own words. During the subsequent conferences at Westminster, she sent a protestation touching the king's murder, to be signed again by Argyle and Huntley, and again returned. According to this protestation, Lethington and Murray proposed at Craigmillar to these noblemen, that they should procure a pardon for Morton and his associates, upon condition that Huntley should be restored to his forfeited estate and honours; and these objects they professed to accomplish, by devising some expedient for the queen's divorce. When they went with Bothwell into the queen's presence, and proposed the divorce, she required, that it should be lawfully made, without prejudice to her son. "Madam," said Lethington, "fancie ye not that wi are heir of the principal
 " of your graces nobilitie and counsal, that sall
 " fynd the moyin that your majestie sall be *quyt*
 " of *him* without prejudice of your sone: and
 " albeite that my lord of Murraye heir present,
 " be lytill less scrupulus for ane protestant than
 " your grace is for ane papist, I am assurit he will
 " looke throw his fingeris thairto, and will behald
 " our doeings, saying nathing to the same." "I
 " will that ye do nathing," said Mary, "quhair-
 " to any spot may be layit to my *honour or con-*

“*science*, and thairfor I pray you rather let the
 “matter be in the estait as it is, abyding that
 “God of his gudness put remeid thairto, that ye
 “beleifing to do me service, may possibill turn to
 “my hurt and displeasour.” “Madam,” said
 Lethington, “let us guyde the matter amongis
 “us, and your grace sall see nathing but gude,
 “and approvit be parliament²¹.” From these
 premises, Argyle and Huntley are instructed to
 conclude, and to maintain by single combat, that
 Murray and Lethington were the authors of the
 murder of which they had unjustly accused the
 queen. Had Murray even proposed a divorce
 with the queen’s consent, the conclusion, that
 therefore he murdered her husband without her
 knowledge, has been justly ridiculed, as uncon-
 nected with the premises; and is worthy only of
 the proof that was offered, if a judicial combat
 can deserve that name²². But according to
 Paris’s first declaration, which it is necessary to
 anticipate, Bothwell informed him, that he was
 sure of Lethington, the enterpriser of the whole,
 and of Argyle, and Huntley his brother, whose

²¹ Anderson, iv. Part ii. p. 189. Goodall, ii. 318. From these words of Lethington’s, it is evident, that the queen, who perceived his meaning by her former answer, acquiesced in the design.

²² Hume, v. note M. Robertson, ii. 322. A very different, and a far more natural account of the conference, is given by Buchanan, in his Detection and History.

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hand writs he had for the deed; and that they were willing to have done it the last time that they were at Craigmillar. If Lethington, therefore, alludes, as his discourse undoubtedly does, to the murder, whatever conclusion may be deduced from Murray's silence, the queen's answer but too evidently implies a foreknowledge, and her acquiescence in Lethington's reply, a tacit approbation of the whole design.

Baptism at
Stirling,
Decem. 17.

7. On her return to Stirling, she continued sad and pensive, frequently crying, both before and after the baptism of her son. The preparations for the ceremony, and the reception of the foreign ambassadors, were consigned to Bothwell²³; but the presence of her husband increased her mortification. No provision was made for his appearance either at the baptism, or at the subsequent festivals; and no reason can be assigned for his absence, but a prohibition from the queen. It was expected that he would withdraw from court, two days before the solemnity from which he was excluded, but he remained confined to his chamber, from a motive of sullen caprice; deprived of every appearance of power or respect; shunned by the nobility, that they might avoid suspicion; and not visited, on account of the queen's displeasure towards him, even by the fo-

²³ Keith, Pref. 7. Robertson, ii. 435. Melvil, 77.

reign ambassadors under the same roof²⁴. The English however lamented at their departure, that Darnley was so much slighted; and the Earl of Bedford exhorted Melvil to entreat the queen, that she would entertain her husband as she had done at first, for her own honour and the advancement of her affairs. The intercession of Bedford was also employed at her own request for the banished lords; and while still inexorable towards her

²⁴ Camden's assertion, that Bedford was instructed by Elizabeth not to give Darnley the title of king, was certainly not the cause of his absence. The injunction is not to be found in Bedford's instructions, and was unknown at the time to Le Croc, who would not have failed to assign that cause for his absence, rather than the queen's displeasure. The only question is, whether he was excluded by her prohibition, or by his own caprice. But Le Croc writes from Edinburgh, so early as December 2d, "I think he intends to go away to-morrow; but in any event, I am much assured, as I always have been, that he will not be present at the baptism." His uniform assurance, that whether Darnley went or not, he would not be present at the baptism, must have been derived, not from Darnley's caprice, which might induce him to remain, but from the queen's resolution, that he should not appear. As his departure was wished for, that he might not appear, so he remained, in order to expose the queen; and Le Croc refused to see him, evidently on that account. Keith, Pref. 7. Robertson, i. 399, note. Knox, 346. But the History of James VI. positively affirms, that "Nather did King Henrie cum thair, albiet he was in Striviling, all that quhyll, nather was he permitted, or requyrit to cum op-pinly."

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husband, she consented to their pardon on condition of their continuing in banishment for two years more ; but this ostensible condition was mitigated by Bothwell, through whose influence their recall was obtained²⁵. The consistorial jurisdiction of the Archbishop of St. Andrew's, which had been suppressed at the reformation, was first restored by the queen's signature on the 23d of December²⁶. A *remission* was then granted to Morton and his associates, upon a promise which they had transmitted by Archibald Douglas, during the baptism, that they would concur in a bond to support the queen's authority and abandon the king ; and in Paris's first declaration, the reasons for which the pardon was procured, are explained by Bothwell, namely, that Morton, Ruthven, and Lindsay would never fail him, as he spake for their grace²⁷. The queen went that same day (Dec. 24) to Drummond castle, to spend the Christmas there and at Tullibardine ; while Darnley returned to his father's at Glasgow²⁸, where he was immediately seized with

²⁵ Melvil, 76. Robertson, 531. Morton's Confession, Appendix.

²⁶ See Appendix, No. II.

²⁷ Privy Seal Record. Paris's, and Morton's Confessions, Appendix.

²⁸ A letter from Lennox to his son, proposing to wait on his majesty at Peebles, as soon as he hears of his journey thither, and dated at the conclusion, " from Glasgow, this 26th December, (1566,)" has been quoted as a proof that

acute pains, and from the livid spots or pustules with which his body was covered, his disorder has been variously imputed to the small-pox or to poison²⁹. Upon the last day of December, she returned, and remained for a fortnight at Stirling, where Lethington was married, and without visiting her husband, to whose danger she seemed indifferent, she carried her infant son (Jan. 14) to Edinburgh.

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I.

1565.

1567.

Darnley was then at Stirling. But the letter was evidently written in December, 1565, when we know that Darnley went to Peebles, and the year (1566), which Keith has annexed to the month, within a parenthesis, was supplied from conjecture, by Thomas Innes, at the top of the page, instead of the conclusion of the letter. Keith, Pref. 7. MSS. British Museum, Ayscough's Catalogue, 3199. fol. 76. See Tytler, ii. 71, who forgot that a date within a parenthesis is always conjectural. Knox's, or his continuator's intimation, that Darnley went without good night, to his father's at Glasgow, has been explained away, that he went without bidding, instead of receiving good night. Tytler, ii. 67.

²⁹ Melvil, 77. Knox, 346. Robertson, i. 405. Birrell says, that "he was sick of the small-pox; but some said he had gotten poison." The History of James VI. observes "that his haill bodye brak out in evill favourit pustullis, be the force of young age that potentlye expellit the poyson quhilk was given him to haist the end of his dayes." The small-pox was sufficient then, in the king's situation, to excite a surmise of poison; but Keith's assertion (from Freebairn's translation of Bois Guillibert, 110), that it was the great pox, is not to be found in Lesly, and is one of those petty lies that disgrace this controversy, Keith, 364. note.

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I.

1567.
Queen's
journey to
Glasgow.

8. Upon the 20th of January she wrote to Be-
ton, Archbishop of Glasgow, her ambassador at
Paris, complaining of two of his servants, as the
authors of dangerous, or rash reports. It appears
that Walker, one of his servants, had informed
her at Stirling, of a rumour that the king, assist-
ed by some of the nobility, intended to seize and
crown the young prince, and to assume the go-
vernment in his son's name. Highgate, whom
Walker named as his author, denied the report,
but acknowledged that he had heard and com-
municated to Lennox, another report of an oppo-
site design to imprison the king. The letter ex-
plains the mutual suspicions which the queen and
Darnley had long entertained ; and accounts,
perhaps, for his departure from Stirling, and for
the sudden removal of her son to Edinburgh.
But it contains no indication of returning affec-
tion ; no intimation of her intended journey to
visit her husband ; no allusion whatsoever to his
sickness, or to his absence from court : on the con-
trary, it concludes with bitter reflections on his past
ingratitude ; on his zealous and *busy inquisitions*
into her actions ; and on his inclination to dis-
turb her government, if he were able, in conjunc-
tion with his father and their friends, whose at-
tempts she treats at the same time with contempt
and scorn³⁰. Next day she departed for Glasgow,

³⁰ “ And for the king our husband, God knawis alwayis
our part towartis him ; and his behaviour and thankful-

and was accompanied, as far as Callender, by Huntley and Bothwell, whose confidential servant, Nicholas Hubert, nicknamed French Paris, she received as her chamberlain. Upon Thursday the 23d, she arrived at Glasgow, where Darnley had already begun to recover. When no cause had occurred, since her letter to Archbishop Beton, on Monday, to surmount her recent disgust and aversion, much less to revive her former attachment to her husband, she employed the most tender assiduities to remove his suspicions and regain his confidence; to sooth and assure his mind of a sincere reconciliation; and to persuade him to return with her in a litter to

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1567.

Jan. 21.

ness to us is semblablement well knawin to God and the world, specialle our awin indifferent subjects seis it, and in their hartes, we doubt not, condemnis the samyne. Always we persave him occupeit and bissy aneuch to haif inquisition of our Doyngis, quhilkis, God willing, sall ay be sic as nane sall haif occasoun to be offended with thame, or to report of us any wayis bot honorably; howsoever he, his father, and their fautoris speik, quhilkis we knaw want na gude will to make us haif ado, gif thair power wer equivalent to thair myndis. Bot God moderates their forces well aneuch, and takis the moyen of executioun of thair pretensis fra thame: for, as we believe, they sall find nane, or verray few approveris of thair counsalis and devysis imaginis to our displesor or mislyking." Keith, Pref. 8. This, it is said, has no bitterness in it, but is merely a confidential letter to her ambassador, the day before she went to visit her sick husband. Tytler, ii. 69.

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1567.

Edinburgh. The two first of her letters to Bothwell, were written at Glasgow, upon Friday night and on Saturday morning. They belong to a different branch of my subject, but it is here material to observe, that, as it appears from the evidence of Nelson (one of Darnley's servants, who was strangely preserved at his master's death), that the first design was to carry the king to Craigmillar, she must, at this precise period, have corresponded with Bothwell in order to procure and to prepare the house for his reception at the Kirk of Field³¹. Another material transaction is also observable. During this interval of the queen's absence, Bothwell, according to a Diary communicated to Cecil, containing a short recital of the most material passages, undertakes a journey to Liddesdale which has not yet been explained³². From the date of Morton's pardon, upon Christmas eve, Bothwell and Lethington had attended the queen till her return to Edinburgh, January 14; and there is no evidence that the former quitted her then till their separation at Callender. While the queen went to conduct her husband to Edinburgh, Bothwell, under the pretext of a journey

³¹ Anderson, iv. 165. Nelson's Declaration. Appendix, XXV.

³² See Appendix, No. III. The authenticity of this Diary, to which I have adhered as to dates, will be examined in the sequel.

to Liddesdale, undertook a very different expedition, which we discover only from Morton's Confession. When Morton came from Wedderburn, after his return from banishment, Bothwell met him, as he informs us, at Whittingham in East Lothian, and proposed the assassination of Darnley, whom it was the queen's design to remove for the murder of Rizio. On his declining the enterprise, as he was just relieved from exile, and was still forbidden to approach the court, Bothwell and Archibald Douglas his cousin, renewed their importunities, but he required a warrant under the queen's hand, which the former was never able to procure³³. The sequel is explained by Douglas in a letter written to Mary after the execution of Morton, requesting her to intercede with James VI. for his return to Scotland. At Morton's desire he accompanied Bothwell and Lethington back to Edinburgh, and returned with a verbal message from the latter: "Shaw to the Earl Morton, "that the queen will hear no speech of that "matter appointed unto him³⁴." As the letter is obviously framed by Douglas to attest his own innocence, the message is also couched in such ambiguous terms as might exculpate the queen. But it is observable that the queen herself, pre-

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1567.

Bothwell's
interview
with Mor-
ton at
Whitting-
ham.³³ Morton's Confession. Appendix, XXXIV.³⁴ Archibald Douglas's Letter. Appendix, id.

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1.

1567.

vious to the conferences in England, avowed her knowledge, that Lethington and Morton were privy to the murder; declared that the former at least would be very loth to appear against her, and of course was fully apprised of Lethington's and Bothwell's interview with Morton at Whittingham³⁵. And as the date of that interview must be fixed at the period of her absence at Glasgow, when Bothwell was employed to provide a house for the reception of her husband, so the sole purport of the message was to shew to Morton, that the queen would hear no speech, not of the murder, of which the least intimation must have alarmed her if innocent, but of the written warrant, the *matter* promised, or *appointed unto him*, which Morton demanded under her hand.

The queen
persuades
her hus-
band to re-
turn to
Edinburgh.

9. Her husband was persuaded to return to Edinburgh; and on Monday, January 27th, she brought him to Callender, on Tuesday to Linlithgow, where she remained next day; and on Thursday she conveyed him to his lodging, at the Kirk of Field, to which place she was escorted by Bothwell, whom she met upon the road. The place was chosen under the pretext of free air, or of preserving the young Prince, who was lodged in the palace, from the danger of infection³⁶. The house stood upon the town

³⁵ Anderson, iv. Part i. p. 55-90.

³⁶ Paris's second Declaration. Appendix, No. XXVIII.

wall, between the ruins of the Kirk of Field, and the Blackfriars, a Dominican monastery, which was also ruinous, and from which it was separated by gardens of some extent. It had belonged of old to the prebendaries of the Kirk of Field, and consisted of two lodgings upon different floors, connected by a *turnpike*, or spiral staircase. There was a postern door in the cellar, opening through the town wall, and another door in a passage leading from the lower apartment into the garden³⁷. Its situation may be still more precisely fixed: it was within the college walls, partly upon the site, and adjoining partly to the east side, of the principal's house. The only houses near it were some beggar's huts, above the cowgate, and Hamilton house, on the north side of the present college³⁸.

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I.
1567.

The house seems to have stood long empty, probably since the reformation, when the prebendaries were expelled. Blackwood's assertion, that Lord Borthwick had lately found benefit in it, from the free air, is transcribed by every apologist for Mary. Blackwood could assert without contradiction in France, what was unknown to Lesly in Scotland; and the fact is introduced by a series of the grossest fictions, for which his sole authority was the letter already quoted, from Mary, communicated to him by Archbishop Beton. Jebb, ii. 214.

³⁷ Hay's Confession, and Nelson's Declaration. Appendix.

³⁸ Whitaker transfers the house to the present infirmary, from the appearance of a gun port, which Arnot mistook for a door, in the town wall. But the situation of the house was always well known. The Blackfriars was con-

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I.

1567.

A solitary house, so accessible and open on every side, must have been chosen for the pur-

verted in 1578 into the high school, and the Kirk of Field into the College in 1581. In Professor Thomas Crawford's MS. account of the College of Edinburgh, written about the year 1640, it is thus described: "The Kirk of Field stood along towards the east from the Potter-row port, having a garden on the south, betwixt it and the present town wall. On the east end thereof was the lodging of the provost, where now the principal hath his rooms; and to the east from thence, (within the present College yards) was the prebendaries chamber, blown up with fire at the murder of King Henry; and to this religious convent belonged all the college yards." Hamilton House was the large building at the north side of the upper area, and from this description, it appears that the church stood in the middle of the area, which was not cleared of its ruins till 1629. As the provost's lodgings were at the end of the small garden south of the church, the prebendaries chamber adjoining, must have extended along, and occupied a part of, the principal's present house, with its gable end towards the town wall. In De Wit's curious map of Edinburgh, from a drawing by Sir Robert Gordon, in 1646, the provost's or principal's lodgings, and the ruins of the prebendaries chamber, where Darnley was blown up, are distinctly marked. See the plate. The provost's lodging occupies the front of the principal's present house, and is separated from the prebendaries chamber by a narrow passage, forming the little court or close to which Paris and Hepburn allude in their depositions. They are both so narrow, that the prebendaries house, as appears from Nelson's evidence, consisted only of a single chamber and closet above stairs, with a little gallery having a window in the south gable, through the town wall; and another chamber beneath

pose. As the king's consent to return was uncertain, and as the first design was to carry him to Craigmillar, the house must have been provided under the queen's direction, during her absence at Glasgow, not by Murray or Morton, but by one whom she durst not afterwards accuse of the murder; and Bothwell alone stood in that predicament. The house belonged to Robert Balfour, one of his creatures, upon whom it had been lately bestowed by the queen³⁹. But the proper place for the reception of the king at the Kirk of Field, was Hamilton-house, which was then unoccupied. Nelson, his servant, "knew (of) no uther house quhill the king lychtit, at quhilk tyme he past derectlie to the Duikis hous, thinking it to be the lugeing preparit for him; bot the contrare wes then shawen to him by the queene, quha convoyet him to the uther house." The keys were delivered by Balfour, the owner, to Nelson and Bonkle, the king's servants, but the key to the postern door in the cellar, was not to be found. The outer door, at the bottom of the staircase, the former, with the cellar to which there was a postern door through the town wall. The cellar served perhaps for the kitchen, into which Paris, in his first declaration, says that he entered from the little court; and the house which I have described, corresponds with the simplicity or penury of the times.

Carries him
to the Kirk
of Field.

³⁹ Dec. 9, 1566. Privy Seal Record, B. xxxv. fol. 96.

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1567.

was afterwards employed, by the queen's directions, as a cover for the vat in which her husband bathed, and no security but the portal doors of the gate remained. His chamber had been furnished with hangings on his arrival, but a new bed of black figured velvet "standing therein," was removed by her order, lest it should be soiled by the bath, and an old purple travelling bed was placed in its stead. A green bed was prepared for the queen, in the lower chamber beneath the king's. She slept there either on Wednesday or on Thursday night, upon which occasion the keys of the lower chamber, and of the passage leading into the garden (that of the cellar was retained by Bonkle) were delivered to Paris and Beton, her servants, with whom they remained⁴⁰. Upon Friday, February 7th, she slept again at the Kirk of Field. At other times she returned to the palace, but omitted no mark of affection or of assiduous attention during the day. Notwithstanding these indications of attachment to Darnley, many suspected some enterprise of Bothwell's against his life; but no one durst apprize him of his danger, as he revealed all, says Melvil, to some of his own servants, who were not all faithful: or rather, according to Buchanan and Morton, and as explained by the

⁴⁰ Anderson, iv. 165.

event, told every thing to the queen herself⁴¹. It is said, that the house was deserted by some of his servants, who were aware of the design ; and it is certain that Durham, the one particularly accused of betraying his master, was rewarded by Mary, five days after the murder, with a place and pension⁴². Lord Robert Stewart, her bastard brother, informed him confidentially ; “that if he retired not hastily out of that place “it would cost him his life, which he told again “to the queen,” upon Friday night, “and this Feb. 7. “advertisement,” Melvil adds, “moved the “Earl of Bothwell to haste forward his enterprise.” Next morning, instead of searching privately to discover the conspiracy, and prevent the danger, she confronted her brother, who denied what he durst not affirm in her presence, with her husband, who gave him the lie direct, and as their hands were already on their swords, she endeavoured, according to the conclusion of her enemies, to instigate those fierce young men to some

⁴¹ Melvil, 78. Buchanan's Hist. L. xvii. p. 350. Morton's Confession, Appendix.

⁴² On Monday he kept the king's body in a neighbouring house, from public inspection, till it was removed to the abbey. (Melvil, 78.) And on Saturday the 15th, when the king was buried, this porter of Darnley's was appointed, by the queen's signature, master of the wardrobe to the young prince for life, with a yearly salary, of an hundred pounds Scots. Privy Seal Record Book, 36. fol. 15.

CHAP.

I.

1567.

Feb. 8.

Where he
is murdered
by Both-
well.
Feb. 10.

act of sudden revenge⁴³. On these occasions, two of the letters preceding the murder were sent to Bothwell, who lodged at the palace; and on Saturday she bestowed a pension upon Margaret Carwood, her confidential maid, “quha was previe, and ane helpar of all thair lufe.” On Sunday, February 9th, she conferred the vicarage of Dunlop upon Archibald Beton, usher of the chamber, who retained the keys of the Kirk of Field⁴⁴. After supper she visited her husband, with whom she remained in familiar conversation till a late hour, when, as if suddenly recollecting Bastian’s marriage with Margaret Carwood, at which she had promised a mask to her servants, she returned to the palace with her whole train. During this visit, the murderers were introduced by Paris through the garden and back door, into the lower apartment, and the gunpowder was placed in the queen’s chamber, immediately under the king’s bed. Two hours after midnight, the house was blown into the

⁴³ Melvil, 78. Buchanan, L. xviii. p. 350.

⁴⁴ Liferent Pension to Margaret Carwood of 300 merks out of the lordship of Kincleven, at Edinburgh, viii. of February 1566. Privy Seal Record, b. 36. fol. 7. “To Archibald Beton, our sovereign’s daily servitor of thair previe chalmer, the vicarage of Dunlop, during his lifetime, at Edinburgh, the nynt day of February, 1566.” On Friday the 7th, the parsonage of Old Roxbergh was given to James Beton, son of Robert Beton, of Creich. Id. fol. 8.

air; and the whole city was alarmed by the explosion. The dead bodies of the king, and of a domestic who slept in his chamber, were found at some distance, untouched by the powder; two other servants were blown up or buried in the ruins; while those who slept in an adjoining gallery were preserved by the intervention of a large stone wall⁴⁵.

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1567.

10. From those facts that preceded the murder, two conclusions, opposite to each other, remain to be deduced. The first is, that Murray and his associates planned the conspiracy, and instigated Bothwell to commit the crime, by the hopes or assurance of obtaining the queen's hand. The second is, that it was perpetrated by Bothwell alone, with the queen's consent; for hitherto, the vindication of his innocence has never been

Conclu-
sion

⁴⁵ See the depositions of Hay and Hepburn, and Nelson's evidence, in the Appendix. The proclamation to discover the murderers mentions "the bodies of his grace and of a servant found dead, besides sum otheris that thro' the ruin of the house were oppressit, and some at God's pleasure preservit." Anderson, i. 36. Symonds' and Taylor's boy, who lay in the little gallery, seem to have been preserved with Nelson, "Qubilk never knew of any thing quhill the house in which they were was fallen about them." Nelson's Evidence. Besides Taylor, who lay in the king's chamber, Mackaig and Glen, his grooms, appear, from Archibald Douglas's trial, to have been also killed. Arnot's Criminal Cases, 9-18.

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attempted, except by Goodall⁴⁶. Murray, according to the first conclusion, had proposed, that notwithstanding his illegitimate birth, the queen should entail the crown upon himself and his family. For that purpose he endeavoured to prevent her marriage, or to render it abortive: he conspired, at the Raid of Beith, to murder Darnley, and to secrete her person in Lochleven castle; he contrived the assassination of Rizio in her presence, that the child of which she was pregnant might perish; and devised the murder of the king her husband, in order to precipitate the queen into the arms of Bothwell, and in consequence of the public discontent which their marriage might excite, to assume the government in his own name. The sole evidence of these facts is the Instructions from the lords and abbots of Mary's party, to Lesly, Bishop of Ross, and his colleagues, her commissioners at York. But these Instructions are obviously devised and penned by the bishop himself⁴⁷. In

⁴⁶ Goodall bestows a whole chapter upon Bothwell's innocence, (vol. i. chap. x. p. 237) the only part of that strange medley of fact and fiction, which his transcribers have omitted. In his notes on Scotstarvet, he renews the intimation, "that there are people who do not believe that he, Bothwell, was guilty of that murder;" (Staggering State, &c. 152.) and bestows the same vindication on Sir James Balfour, in the life prefixed to Balfour's Practics.

⁴⁷ The fact is evident from the same declamatory language

the immense mass of correspondence with France and England, no trace has been found of a proposal by Murray to entail the crown on his own family; nor was any attempt ever made to remove his illegitimacy; much less to alter the lineal succession, acknowledged by parliament, of the house of Hamilton to the Scottish throne.

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and unconvincing arguments which Lesly has employed in his defence of Mary's honour. It is also evident that the Instructions were arbitrarily framed, in the same manner with the protestation already quoted, which was drawn by Lesly, and transmitted from England to be subscribed by Argyle and Huntley, concerning their former declarations to the bishop, of the conference at Craigmillar. The Instructions state, that in order to procure a pardon for the banished lords, they offered to "find causes of divorce, either for consanguinity, (as the dispensation was not published), or else for adultery, or then to get Darnley convicted of treason, for consenting to her retention in ward, (on the murder of Rizio) or what other way to *depesche him*, quhilk altogether her grace *refusit*; so that having the means to be separate, and yet wald not consent thereto, it may be clearly considered that her grace wald never have consented to the murder;" which is therefore transferred to the lords themselves. Goodall, ii. 359. This at least is explicit, if not logical; but when the particulars of the conference are explained in the Protestation, it appears that none of those means, if suggested at all, were rejected by the queen. When the Commissioner, instead of requesting an exact account of the conference to be sent, transmits a protestation so contrary to his Instructions, to be signed by his constituents, we may conclude that the Instructions, as well as the Protestation, were devised by himself. Anderson, iv. 188. Goodall, ii. 314.

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Where the preliminary fact is historically false, we need not be surprised that Lesly's explanation of the Raid of Beith, (to murder Darnley and to imprison the queen, by anticipation, in Lochleven castle), should be attested, among others, by Argyle and Rothes, Murray's former confederates, when it was convenient for their party to maintain the assertion. The assassination of Rizio in the queen's presence, was not concerted by Murray, who merely availed himself of a plot to seize and execute an insolent favorite, as a fair opportunity to return from exile. These premises, indeed, were evidently so false, and so remote from the conclusion, that Lesly afterwards interposed another, of which there is no proof whatsoever, direct or presumptive; namely, that Darnley, some time after the murder of Rizio, proposed to certain nameless noblemen, to assassinate Murray; and that Murray, when informed by them of his danger, conceived such deadly hatred, that he never ceased till he had accomplished the destruction of his enemy, for his own preservation. When summoned to court on some frivolous pretext, he returned to St. Andrews on his wife's miscarriage, before the murder; but if absence alone be a proof of guilt, what vindication remains for innocence to produce? The opportunity was undoubtedly chosen, when, from the resort of the nobility to court, the suspicion might be divided among them, or

at least removed from the real conspirators; but Murray's supposed associates were also all absent; the murderers of Rizio were still prohibited from approaching within seven miles of the court; Morton was then at Abernethy⁴⁸, and the nobility present consisted entirely of Bothwell's and of the queen's friends⁴⁹.

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But wherever the direct, or presumptive proofs of a crime are defective, we must resort to those probable motives which are supposed to actuate the conduct of men. The designs of Murray upon the crown are entirely conjectural; but his ambition could propose no immediate benefit from the removal of Darnley, whose existence, even on the renewal of Mary's affection, would have been no obstruction to Murray's regaining his ascendancy in her councils, and whose death, in the first instance, would have been advantageous only as it

Rejected.

⁴⁸ Hume's History of the House of Douglas, 353. Morton's Confession, Appendix. Th. Crawford's Notes on Buchanan, 170, from which it is evident that Morton had not returned to court. After the conference at Whittingham, he crossed the Forth at Earlsferry, to visit his nephew, the Earl of Angus, a student at St. Andrews, from whence he went to Abernethy, and was there the day that the murder took place.

⁴⁹ The Archbishop of St. Andrews, the Earls of Athol, Argyle, Huntley, Caithness, Cassillis, Sutherland, and Bothwell, the Bishops of Ross and Galloway, the Lords Fleming and Livingston, the Treasurer, Justice Clerk, and Secretary Lethington. Council's Letter to the Queen Regent of France, Appendix, No. V.

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released the queen from an odious husband. To precipitate Mary into the arms of Bothwell, in order to confirm the suspicions of her subjects, and by a general insurrection to deprive her of the crown, were the objects which Murray must have proposed from the beginning, if criminal; but these were evidently too consequential, precarious, and remote from view. Murder may be committed from hatred, or from the hopes of immediate gain: never for the mere purpose of transferring the imputation of the crime to others. But to conceive and plan the destruction of Darnley, that the queen might be suspected of a share in his death; that she might not only be suspected, but involved in a marriage with the chief instrument of her husband's murder; that on this disgraceful alliance, she might be opposed or deserted by her own subjects; that she might not merely be resisted, but imprisoned and deprived of her paternal kingdom—all this implies a train of consequences too remote to be distinctly foreseen *a priori*, and too refined and visionary ever to operate as any rational inducement upon the human mind. The queen, if innocent, might escape suspicion, or might vindicate her own innocence, to the satisfaction of her subjects, by the prosecution of the murderers, and by the detection of Murray's guilt. Bothwell, if suspected, might be disappointed of a marriage which was still contingent, and if punished, or even rejected

by the queen, might be induced to reveal his most secret associates. But the marriage itself, of which the remote and calamitous consequences were the sole objects of pursuit, would have created a rival, far more dangerous and hateful than Darnley, whose address and power might have finally triumphed over his opponents, and have secured to himself the possession of the crown, to which Murray secretly aspired. Or if the opposition of Bothwell were once surmounted, the removal of the young prince would have raised a more formidable competition for the crown; and the contest must have been renewed with the Hamiltons, against whom Murray found it so difficult, when regent, to maintain the legitimate authority of the king, and whose insidious vengeance in a few years deprived him of his life⁵⁰. Judging, therefore, from the ordinary principles of human conduct, we can discern no rational object for which Murray would concert, or even engage in the murder, without the queen's consent.

11. The remaining conclusion, that the murder was planned and executed by Bothwell, with the secret approbation and connivance of the queen, is confirmed by every circumstance in the preceding detail. Her blind and ardent affection for Darnley, subsiding into cold indifference,

Conclusion
concerning
the queen's
guilt

⁵⁰ See Appendix, No. IV.

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and converted by a barbarous outrage into disgust and aversion ; her deep melancholy, the effect of contrition for an ill-advised attachment and imprudent marriage ; her uniform and undisguised neglect of her husband, and the contempt to which he was reduced, even on a public solemnity, in the presence of foreign ambassadors ; the pardon granted to the murderers of Rizio, to whom she was inexorable, till it became her interest to conciliate their support ; her supine indifference, and return to Edinburgh, during the king's sickness, contrasted with her impatient haste and anxiety to visit Bothwell, when slightly wounded ; her sudden journey to Glasgow on his recovery, and her reconciliation to him, which is otherwise unaccountable, and which no man can believe to have been sincere ; the artful policy with which she persuaded him to return, and conducted him herself, to the house which Bothwell had prepared for his destruction, during her absence, with her direction or consent⁵¹;

⁵¹ Blackwood, conscious of the force of this fact in Nelson's evidence, inverts it entirely ; represents Murray, who was certainly not at Glasgow, as advising the queen to carry her husband to the Kirk of Field, as a place of good air, where Lord Borthwick had lately been well lodged ; and on their arrival there, when conducting her husband by the hand to Hamilton House, adjoining to the provost's, *elle fut destournee par Mourray, & menee dedans la maison funeste*, Jebb, ii. 214. Of all the early apologists for Mary, Blackwood is undoubtedly the greatest liar.

her removal of the outer door, and of the new velvet bed ; the keys of the lower chamber, where the powder was laid, entrusted to her servants ; the pensions bestowed at that critical moment, to secure their connivance or silence ; and the pretext employed for her absence that very night, when the murder was committed, coincide with the worst and strongest motives to be discovered for her conduct ; namely, to rid herself of a husband whom she had long detested, for one whom she preferred. Even the revival of the primate's consistorial jurisdiction, was subservient to Bothwell's divorce or her own ; nor in the conference at Craigmillar, did she reject that expedient, for which no immediate or decent pretext could be found. The canon law could give no divorce for her husband's infidelity (of which there is no historical evidence) ; the pretext of consanguinity was removed by a dispensation ; and after the unsuccessful example of Henry VIII. a papal bull for dissolving the marriage was disgraceful, doubtful, and full of delay. The benefit of being restored by Bothwell to the independence of a single state, and a second choice, was great and immediate ; nor can we presume upon her innocence, from her education at a vicious court, among nations already inured to the crime. A part of her courtiers had assassinated Rizio, in order to gratify the king. Others, without the ambition imputed to Murray, were ready to gratify their

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mistress by a similar revenge upon Darnley, for which her exalted station promised impunity; for who would suspect a woman, or who would venture to accuse, even if they should chance to suspect, the queen? When the two conclusions are fairly examined, we discover no proof nor probable motive of Murray's guilt, but on the contrary, the strongest presumption not only that the queen was privy, but that she was accessory to the death of her husband. Had she proceeded no farther, his fate might have been overlooked by her subjects, and forgotten by the world: but as suspended. her marriage with Bothwell, the chief murderer, was deemed a convincing proof of her guilt, the conclusion must be suspended, that we may examine the events which succeeded the murder.

CHAPTER II.

The Facts that succeeded the Murder.

1. **E**ARLY in the morning, the people, alarmed at the sudden explosion, and report of the murder, hastened eagerly to inspect the bodies, and to investigate the circumstances of such an atrocious crime. But the bodies were removed to the next house, on the arrival of Bothwell with a guard from the palace; nor was Melvil, or the Piedmontese ambassador, admitted by the soldiers to examine the corpse of the king¹. It was Bothwell's first design to persuade the people that the house had been burnt by lightning, or by some accidental fire; but the appearance of the dead bodies, without any marks of powder or of external violence, in an adjacent garden beyond the walls, excited a prevailing report and belief, that the king and his servant had been strangled and carried thither, before the house was blown up². The privy council wrote immediately to the queen mother of France, to explain the disaster; affirming that the

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All inquiry
into the
murder
suppressed.

¹ Melvil, 78. Birrell's Diary, 7. Le Croc, the French ambassador, was then in London. Keith, 263, n.

² Melvil, 78. Crawford's MS.

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queen and most of her nobility present, who had remained till midnight in the king's chamber, had been very nearly destroyed by the explosion; and from the signatures to the letter, we discover that the nobility and prelates then at court, consisted entirely of Bothwell's and of the queen's friends³. In the afternoon an inquisition was taken by the justice general; but when Nelson declared that Bonkle had the key of the cellar, and the queen's servants those of the lower chamber, "hald there," said Tullibardine the comptroller, "there is ane grund;" after which no further inquiry was made⁴. In the meanwhile the queen kept her bed, which was hung with black as a sign of mourning; with candles ready to light, as the daylight was excluded, according to the fashion of the times. If we may trust farther to the same evidence of Paris, Bothwell, upon his return, was admitted to a conference under the curtain; and the fact is confirmed by Melvil, whom he met, and informed at the door, "that

³ See Appendix, No. V.

⁴ James Murray, Tullibardine's brother, was the author of the Placards, accusing Bothwell of committing the murder with the queen's consent. Tullibardine himself, from whom his brother must have derived his information, was undoubtedly innocent; and was shipwrecked in Shetland, in pursuit of Bothwell. The inquisition therefore was stopped from tenderness, not to Bothwell's, but to the queen's reputation.

“ the queen was sorrowful and quiet, which occasioned him to come forth⁵.” Upon Tuesday morning she rose as usual, and on the arrival of dispatches from her ambassador at Paris, she wrote in answer, “ that the house in which the king was lodged had been blown into the air, he lying sleeping in his bed ;” and exaggerated the effects of the explosion, the diligence which the privy-council had already exerted to discover the murderers, and her own resolution to exact a rigorous and exemplary vengeance ; but no expression of affliction, or of pity for his untimely fate, not even the name of husband, escapes her pen. On the contrary, she seems to congratulate herself upon her own escape ; intimates that the enterprise was directed as well against her as against the king, as she lay most part of the last week in the same lodging, remained there with most of the lords till midnight ; “ and of very chance tarried not all night, by reason of a mask at the abbey ; but we believe it was not chance, but God, that put it in our head.”

Next day a proclamation was issued, in the same terms with the letter, offering a reward of 2000l. Scots (166l. sterling) to discover the murderers⁶. The king's body was brought that same day to the abbey chapel, and was “ quietly,” or rather

Feb. 12.

⁵ Paris's Declaration, Appendix, XXV.

⁶ Keith, pref. 8. Anderson, i. 37.

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“very secretly⁷, interred by night,” (upon Saturday the 15th,) “without any kind of solemnity
“or mourning heard among all the persons at
“court;” and without the presence of a single nobleman, or officer of state, but the justice clerk⁸. On the same day that her husband

⁷ Birrell's Diary, Cecil's or Murray's Diary, Appendix.

Feb. 15.

⁸ Historie of James VI.; not a word of which is to be found in Crawford's Memoirs. That History and Birrell's Diary confirm Buchanan's account of the nocturnal secrecy and indecency of the funeral: and Lesly is unable to specify a single person present, except Bellenden, the justice clerk, and the laird of Traquair. Anderson, ii. 23. Buchanan adds, that the king was buried beside Rizio, whose body the queen had formerly removed from before the abbey church door, where it was first interred, to the royal vault where James V. and his children were buried. The fact is strangely confirmed by Melvil's Diary. The two Melvils, the clergymen, on their visit to Buchanan before his death, found the printer at the very passage in question, *anent the burial of Davie*, at the end of the 17th book, and having stopped the press, Mr. Thomas Buchanan, his cousin, represented how hard it was for the time, that the king would be offended at it, which might stay the whole work. Buchanan immediately appealed to them, whether he had told the truth, concerning the *burial* of Rizio, to which they assented. (See Appendix, No. XIX.) And the fact, which must have then been notorious, is not contradicted by Keith's objection, that when the vault was opened, by Sir Robert Sibbald, (1683) it was completely filled with the bodies of James V. his queen, and Darnley, together with the two infant daughters of James V. and his natural daughter, the Countess of Argyle. Keith, 368, note. Dalryel's Scottish Poems of the 16th century. Pref. 26. Edin. 1801. The argument implies, that there

was buried, she conferred on Durham, the servant who had deserted or betrayed him, a pension, and a place about the person of her son, and on Bothwell she bestowed the reversion of the feudal superiority of Leith, which had been already mortgaged to the citizens of Edinburgh, and which gave him not only command of the harbour, but from their desire to retain the superiority, a proportionable influence over the capital⁹. Bothwell, however, in proportion to his

was no room for Rizio's body, which the regents would not have suffered to remain there, and which must have been removed before Murray's sister, the Countess of Argyle, who died in 1585, could have been placed in the vault. Calderwood informs us, apparently on different authority from Buchanan's, that Rizio's body, when removed from the abbey church door, was buried in the night time, near Queen Magdalen's. Calderwood, MS. ii. 5.

⁹ Robertson, ii. 334. "Bothwell having spent his whole estate at his return from France in the year 1565, he was first made lieutenant-general over all the borders; he got the abbey of Melross, which was better before his intromission therewith than 5000*l.* Scots per annum. The abbey of Haddington, worth 1000*l.* Scots, castle and lordship of Dunbar, belonging to the crown, worth 2000 marks per annum; captainship of Edinburgh Castle, with a yearly allowance of 1000. He was made duke of Orkney, and lord of Shetland, being the property of the crown, worth 10,000 marks Scots. He should have had the superiority of Leith, and feu of the Canongate, beside Edinburgh, to be more able to make a party to the town of Edinburgh; and he had delivered to him of the queen's jewels, to the value of 20 or 30,000 crowns." Answers from Scotland to a note containing cer-

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Bothwell
universally
suspected.

Feb. 16.

Feb. 19.

power, and his favour with the queen, incurred the public imputation of the murder. At first the most opposite reports were spread, that it was committed by Huntley and Bothwell, or by the contrivance of Murray and Morton; and which party soever were guilty, we may be assured that they would be diligent in transferring the imputation of the crime to the other. But the reports and suspicions of the public soon settled upon Bothwell alone; and, in consequence of the proclamation of a reward, a placard was affixed to the public goal, upon Sunday, the 16th, accusing him and three others, as the authors of the murder, “the queen herself assenting thereto.” Another proclamation, desiring the accuser to appear, and to subscribe the charge, produced a second placard on the 19th, the writer of which required that the reward should be first lodged in honest hands; proposed that three of the queen’s servants, Seigneur Francis, Bastian and Joseph, should be arrested and stopt, and on these conditions offered to appear, with four others, to sign the accusation upon Sunday next. But the queen and Bothwell had already retired to Seton, where a pension was conferred upon Seigneur Francis, the very day after the placard appeared¹⁰; and all inquiry into the murder was silent-

tain inquiries from England; Matthew Crawford’s MSS. W. 2, 23, fol. 53. Adv. Library.

¹⁰ To Seineoure Johne Francisco de Buffo, knyght of the

ly, yet so completely abandoned, that from the proclamation issued on the 12th, it does not appear that a privy council was once held till the 1st of March, when it met for the ordinary dispatch of affairs¹¹.

2. But the queen's supine inattention to the murder of her husband, after the promise of such rigorous vengeance, can neither be imputed to excess of grief, nor to the imbecility incident to a female reign. She was neither a minor nor susceptible of tutelage. Her real character was displayed, at her marriage, in the quick apprehension, the spirit, vigour, and resolution with which she anticipated and quelled an insurrection; and at the assassination of Rizio, by the most consummate dexterity, art, and address. If innocent herself, she must of course have suspected some desperate party or leader then at court; nor could she possibly believe that her husband was murdered, without the least surmise of the real author, or the cause of his death¹². Her suspicions

The queen, if innocent, must have suspected the murderers.

order of St. James of Spada, and of her hienes master of householdis, a pension of 400l. yearly, for life, out of the bishoprick of Ross: At Seton, 20th Feb. 1566. Privy-seal Record B. 36. fol. 9.

¹¹ Anderson, i. 36. ii. 156. Buchanan's Detection, 24. Melvil, 78.

¹² Blackwood, among other fictions on the subject, informs us, that on leaving the Kirk of Field, to go to the palace, on the night of the murder, the queen met Paris, Bothwell's servant, and asked him where he had been, that he smelt so

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must have fastened either upon Murray and his adherents among the reformers, or on the Hamiltons, the hereditary enemies of Lennox, or on Bothwell and his associates ; the three parties that prevailed at court. The first might justly allege, that he had neither procured the house, nor conducted the king thither; the second, that they were all absent except the archbishop. But if the queen suspected Murray, the Hamiltons were ready to join with Bothwell and Huntley, either to imprison him, or, if he fled from justice, to attain him in parliament: if she suspected the Hamiltons, Bothwell, Lennox and Murray were prepared to reduce a potent family that had aspired to the crown. If, on the contrary, she had suspected Bothwell, but had rendered him too formidable to be arrested at court, the conduct proper to be pursued was obviously the same as at the murder of Rizio; to retire to the castle of Edinburgh, or to Stirling castle, and under the direction of Murray, Mar, or Lennox, to summon her nobility and subjects to her aid. If innocent, she must have suspected somebody, and the means of detection were evidently in her hands. The persons who provided, or furnished the lodging, the man to whom the house belong-

strongly of gunpowder. Jebb, ii. 215. Blackwood unluckily forgot, that if the fact were true, the queen could be at no loss to discover the murderer, and should have arrested Paris, if not his master, next day.

ed, the servants of the queen who were entrusted with the keys, the king's servants who had previously withdrawn, or were preserved at his death, her brother, Lord Robert, who had apprized him of his danger, were the first objects for suspicion or inquiry, and their evidence would have afforded the most ample detection. Had she consulted either the preservation of her character, or the gratification of a just revenge, the path lay open before her, and a small portion of the spirit, vigour and address which she had formerly exerted on the assassination of Rizio, would have sufficed to discover the real conspirators, and, by an adequate vengeance, to rescue her own reputation from censure. But if accessory, or in the least privy to the murder of her husband, she must have acted precisely as she did. After a slight or specious inquiry, she would omit all farther investigation of a crime of which she was conscious; and retire from the keen observation, and reports of her capital, in order that the memory of her husband during her absence, and the silence of government, might gradually be effaced from the mind of the people.

3. But the queen, if innocent, was not left to the pretext of ignorance, and her suspicions must, indisputably, have been fixed upon Bothwell. Her suspicions must have fixed on Bothwell. Voices were heard at midnight in the streets, paintings were posted up on the public buildings,

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1567.

denouncing the murderers¹³; nor was Mary ignorant of those placards that accused Bothwell and his accomplices, her servants, and herself. Lennox advised her, in a letter from Houston, February 20th, to assemble the nobility and estates of the realm, with all convenient diligence, for the trial of the murder, and appealed to her feelings in the most pathetic terms; *being the father to him that is gone*. In her answer from Seton, dated the 21st, but received on the 24th, she observes, that his advice to summon a convention of estates, was already prevented by a parliament which she had proclaimed, wherein the murder should be the first subject investigated, and nothing left undone to promote the inquiry. The parliament had been proclaimed before Christmas¹⁴, and was still so distant, that Lennox renewed his former advice: That as the meeting of parliament was remote or uncertain, as the matter demanded an immediate punishment, and as certain placards had been posted up in answer to her proclamations, accusing the contrivers of the murder by name; her majesty, for her own honour and for the tranquillity of the realm, should apprehend the accused and commit

¹³ Buchanan's Detection, 22.

¹⁴ Knox, 444. Quarto edit. Edinb. 1644. Calderwood, ii. 30. MS.

them to prison; should assemble the nobility with diligence, and by public proclamation, summon the authors of the placards to appear. His advice was sound and judicious, as no accuser nor witness, unless protected by the nobility, would dare to appear against a powerful delinquent. But the queen in a letter from Seton, March 1. more evasive still than the former, replied that she never meant to refer the matter, not being a parliamentary matter, to the meeting of parliament, but that the nobility would then be more easily convened; and as to the imprisonment of those accused, the placards were so numerous, and the names so different, that she knew not upon which to proceed; but if any were named whom he thought worthy of trial, on receiving such information from him, she would take such cognizance of them as might stand with the laws¹⁵. The contents therefore of the two placards, the names of the persons accused of the murder, the suspicions expressed of her own connivance, were not unknown to the queen. She had received from the father of her late husband, the most judicious and impressive advice for the prosecution of the murderers; but her refusal either to secure their persons, or to summon a convention of estates for their trial, leaves no room to doubt of her expectation,

¹⁵ Anderson, i. 40—5.

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that Lennox, discouraged at the prospect of an unavailing trial, and intimidated by the danger of appearing in person to support the charge, would desist from any personal accusation of Bothwell.

Bothwell
accused by
Lennox,
March 10.

4. While Lennox continued to deliberate, she returned from Seton on the 10th of March, when Murray obtained permission to retire to France. His name appears on the 11th¹⁶, as present at a council held, like the former, upon ordinary affairs.

March 14. At another which met on the 14th, but of which the names are not marked, a proclamation was issued to apprehend the laird of Tullibardine's brother, for certain defamatory paintings against the queen; and while all inquiry into the murder was forgotten, it appears that a rigorous search was employed to discover the authors of the late

¹⁶ Cecil's or Murray's Diary, Appendix, No. III. The names marked as present on the 11th, are inadvertently transferred by Anderson to the council held on the 14th, the next on the record. Anderson, i. 36. Records of Council; Register-house, Edinburgh. That Murray was still at Edinburgh on the 13th, appears from the following letter to Throckmorton, (probably sent by Killigrew) which may explain his sentiments, and the nature of his correspondence with the English court.

“Traist freind, after my maist harty commendatioun, yff after sic accidents as lately hayth fallen out in ther parts, ane uther messenger hayth bene sent towards the quein, my souveraigne, nor this present bearer, I wald have bene earnest to haif lat you knaw moyr amply of my mynd by wrytt. But

placards¹⁷. After long deliberation, Lennox, in a letter from Houston, dated March 17, denounced Bothwell, Balfour, and others named in the placards, as the persons whom he strongly suspected of the murder; and renewed his former application for their imprisonment, and for a convention of the nobles¹⁸. No answer was returned for a week, till a negociation had been concluded with the Earl of Mar, for the surrender of the castle of Edinburgh to Bothwell. The young prince was conveyed to Stirling on the 19th of March, and delivered into his hands. The castle in return was surrendered on the 21st, and instead of committing Bothwell to prison, as required by Lennox, the queen, in addition to every former office, entrusted him with the custody of the chief fortress in the kingdom, at a time when he was publicly charged, by her father-in-law, with the murder of her husband, the deceased king. After such a preparatory step, as gave him the command of the castle, March 21.

in respect of the sufficiency of my said freind, I will not be long: he hayth hard and seyn moyr nor I can wrytt. I will desyir you to gif him credit on my behalf, and that accidents procedinge from the botome of wickednes, alter not the good wills of sic as upon maist just raisons and considerations hes deliberat to follow furth godly and guid purposes, and thus I end, committing you hartly to God; frome Edynb. the xiii of Marche, 1566. Yours maist assured to his power. James Stewart." Anderson's MSS.

¹⁷ Buchanan's Detection, 22. Anderson, i. 38.

¹⁸ Anderson, ii. 111. See Appendix, No. VI.

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March 23.

24th.

28th.
protected,
and his
trial has-
tened by
the queen.

mand of the city, and rendered his trial a mockery of justice, a solemn mass and dirge were performed in the queen's chapel, for the repose of her husband's soul¹⁹. An answer was then returned to Lennox; that she had prevented his desire of a convention of nobles, whom she had sent for to be at Edinburgh on the approaching week, where the persons named in his letter should undergo such trial as is by law appointed: and if found culpable of the odious fact whereof he suspects them, they should receive such condign punishment as the crime deserves. She requests Lennox to attend, if convenient, and give information; but the name of Bothwell is not once mentioned; no suspicion of his guilt is intimated; on the contrary, an affected disbelief of the charge is insinuated²⁰; and no desire is expressed to investigate the evidence previous to the trial, or to discover any proof whatsoever of the crime. At a council held on the 28th, by the queen in person, Bothwell, instead of being committed to custody, sat and directed his own trial, in conjunction with the Earls of Huntley, Argyle, and Caithness, the Bishops of Ross and Galloway, Lethington the secretary, and two subordinate officers of state. As the design was to hasten forward the trial, before the prosecutor had ob-

¹⁹ Birrell's Diary. Keith, 379. Anderson, i. Pref. 64.

²⁰ "For indeed (as ye wrait) we esteem ourself party, gif we were resolute of the auctours." Anderson, i. 49.

tained any evidence, or could venture to appear, Lennox was cited in the beginning of April, to attend and support the charge on the 12th: the crime was laid in the indictment on the 9th, instead of the 10th of February, and the sole proof offered of Bothwell's guilt, was, that it was "notourly known quhilk he cannot deny²¹." From the whole circumstances, and correspondence upon the subject, no doubt can remain with an impartial mind, that Mary, conscious of Bothwell's guilt, and of the suspicions entertained of her own connivance, endeavoured at first to prevent, and afterwards defeat the accusation, by accelerating a trial which she could not decently refuse.

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5. A privy council was held at Dunbar, April 2d, at which it appears that the queen was present. Another met on the 5th, at Seton, where the second contract of marriage between Mary and Bothwell was framed by Huntley, who, according to Cecil's or Murray's Diary, had obtained a *procuratory*, or proxy, from his sister Lady Bothwell, to commence a suit for a divorce from her husband. According to the same Diary, Murray, whom we find at Whittingham on the 8th, departed from Scotland on the 9th of April; and, at this important juncture, his absence is again converted into a proof of his

Murray's
departure
and mo-
tives exa-
mined.
April 5.

April 9th.

²¹ Anderson, i. 50. ii. 97. 103.

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guilt²². According to this hypothesis, his plans for Bothwell's acquittal and divorce, and for his marriage with the queen, the subsequent insurrections, the expulsion of the one, the captivity of the other, and his own recall to the office of regent, were already concerted with Morton and his associates, and he withdrew, with a sort of prescience more than human, to avoid the suspicion of those events which were still contingent, and which it was impossible to have foreseen. The conclusion is, when properly stated, too absurd to be believed; that a popular leader, the author of every transaction conducive, or subsequent to the murder of the king, should abandon his party to its own guidance, and instead of retiring to England, where perhaps he might remotely direct his adherents, should withdraw to France, to place himself, at the queen's desire, in the hands of her popish relations and friends. But the premises themselves are false. The name of Murray is found only once in the records of council, when his attendance was necessary to procure permission to quit the kingdom; and there is no proof whatsoever that he resided or remained at court after the murder; much less that he obtained a share in the administration with Bothwell²³. His name does not

²² Privy Council Records. See Appendix, No. VII.

²³ On this occasion Tytler advances the following facts, on which his whole system depends, but for which I am

occur, as he was not present, at the privy council for Bothwell's trial, where Lesly, who imputes the acquittal to Murray's friends, has forgotten to explain his own share in that infamous transaction. Morton and his associates, Ruthven and Lindsay, are not once mentioned in the council records, nor does it appear that they had returned to court, or resumed their seats at the board of council. But the conduct of Murray is susceptible of a more rational and just explanation than it has hitherto obtained. The designs observed by Lord Robert, his brother, against Darnley's life, could not well have escaped his penetration or notice, as he was present

obliged to state, that there is no authority to be found. "A few days after the murder, Murray returned to court. There he *remains* for the *space of two months*, joins in *all the councils* during the time, and is in *strict intimacy* with the Earl of Bothwell.—After this (order for Bothwell's trial) we find the Earl of Murray *at court, and assisting in council until the 9th of April*, two days before Bothwell's trial." Tytler, ii. 92-8. The privy councils, on the 11th and 28th of March, are the only two of which the names of the members are marked in the record. Murray was necessarily present at the first, when at court to obtain licence to quit the kingdom; but was not present at the second, when Bothwell's collusive trial was arranged. Buchanan mentions his return, and Bothwell's attempt to assassinate him, a few days after the murder; but there is no evidence whatsoever that he remained in town, much less that he followed the court, or attended the queen and Bothwell, during their long and suspicious residence at Seton.

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at their quarrel; and if he considered the queen, from her conduct then, when apprised of her husband's danger, as accessory to the conspiracy, he must have acted precisely as he did, in retiring from court. When he perceived the tendency of her affection for Bothwell, and their approaching marriage, he would naturally solicit permission to quit the kingdom, if he consulted his own safety; nor would the queen, on account of his opposition to her former nuptials, refuse his request. She required him however to pass into France, where he remained till almost intercepted as an hostage by her friends²⁴. His departure previous to Bothwell's trial, is no proof therefore that he procured an acquittal which he was unable to prevent, but that he disapproved, and refused to sanction, an acquittal procured by the collusion of the queen.

The queen
sufficiently
admonish-
ed.

Before this period she must have received an answer from Archbishop Beton, her ambassador at Paris. He explains in the most forcible terms, the horror and execration which the murder had universally excited in foreign countries; announces the prevailing opinion of men, that she herself was the principal cause, and that nothing was done without her own consent; intimates even his own suspicions, that since she was preserved by Providence, according to her own declaration, to take a rigorous vengeance, he must conclude, that unless such vengeance

²⁴ Keith, Pref. 9. Buchanan's Hist. 360. Goodall's MSS.

were actually taken, it would be better far, in this world, that she had lost life and all; informs her that the great virtue, magnanimity, and prudence with which she was endued, should now be exerted, to redeem from obloquy the reputation which she had already acquired; and exhorts her to do such justice as might attest her innocence for ever to the world, and vindicate her conduct from the sinister interpretations and reproaches of Europe, which it were *on'r odious* for him to rehearse²⁵. Lennox, despairing of justice, had applied to Elizabeth, who wrote to Mary upon the 8th, in haste, to defer the trial beyond the 12th of April, at the request of the father and the friends of her deceased husband, who were well assured of a combination among the guilty to accomplish by force what could never be done by law. She exhorted Mary, for the consolation of the innocent, to grant their request, which, if denied, would subject her to the worst suspicions; and besought her earnestly, in a case which touched her so nearly, to use such sincerity and prudence, that the whole

²⁵ Keith, Pref. 9. The archbishop's former letter, January 27th, was received on the 11th of February, in fifteen days. The present letter, in answer to the queen's letters of the 11th and 15th of February, as it is dated March the 9th, arrived in all probability before the council on the 28th of that month, and certainly before Bothwell's trial on the 12th of April.

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world might pronounce her guiltless of a crime so enormous as to blot her, if culpable, out of the rank of princes, and expose her, not without reason, to the opprobrium of the vulgar; “than which I would wish you an honourable sepulchre, much rather than a contaminated life: And since you may see that I treat you as my daughter, which you have often desired, may God incline you to do what may redound most to your own honour, and the consolation of your friends²⁶.” When deterred from appearing, alone and unsupported, against a potent adversary who commanded the court, the town, and the castle, Lennox himself, in a letter from Stirling, April 11, conjured her again, as she regarded her own honour and the justice of the cause, to banish from her presence, and to commit to sure custody, the persons named in his former letter; required her to adjourn the trial

²⁶ Robertson, ii. 437. We cannot suppose that Elizabeth would write in haste, on Tuesday the 8th, to prevent the trial on Saturday the 12th, if the letter could not arrive in sufficient time on the fifth day. Melvil, on the birth of James, left Edinburgh at noon, reached Berwick that night, and arrived on the fourth day at London, in sufficient time for Cecil to communicate the intelligence personally to Elizabeth, at Greenwich, that same night. Melvil, 69. Middlemore, travelling more at leisure, left London on Wednesday at four in the afternoon, and arrived at Carlisle, where Mary was, at the same hour on Saturday. Anderson, iv. 80.

that he might have time sufficient to convene his friends, and to search for evidence; admonished the queen, that the suspected persons “containing still at liberty, being great at court, and about her majesties person,” no just trial could be taken, unless the day were deferred; and finally, demanded a warrant to apprehend those who were present at the murder²⁷. It is in vain to allege that there was no time to adjourn the trial; or that the queen was not accessory to the acquittal of Bothwell. In opposition to the urgent remonstrances of Beton, of Elizabeth, and of Lennox, not to spare the murderers, nor, by a collusive acquittal, to connive at their escape; she acted in evident concert with Bothwell, when accused of the murder; admitted the man, whom she must herself have suspected, to her confidence and councils, and invested him, previous to his trial, with the most exorbitant power. In every measure preparatory to his acquittal, she was guided by his influence; even her promise, in her last evasive letter to Lennox, was previously violated; and Bothwell’s trial, instead of being reserved for a convention of the nobles, was hurried on by a privy council, at which he assisted, in her presence, before the parliament met on the approaching week.

6. The trial took place upon Saturday, April 12th, and Bothwell, who had returned on Thurs-

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Grants a
collusive
trial.

Morton’s
concern in

²⁷ Anderson, i. 52.

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the trial ex-
amined.
April 12.

day, with the queen from Seton, appeared with armed retainers, and with a band of hired soldiers, who paraded the streets with their ensigns displayed²⁸. The fact is now universally believed, that Morton conducted the whole trial, and appeared with Bothwell at the bar; but an examination of this circumstance only serves to illustrate the progress of historical falsehood. In the instructions from the lords and abbots of Mary's party, her commissioners in England are directed to plead, in answer to the marriage, "that most part of the nobility, and principally "of the usurpers, *Morton, Semple, and Lindsay,* "gave their consent to the Earl Bothwell, and, "to remove all suspicion, had declared him in- "nocent by a public assize, ratified in parlia- "ment by the three estates." But the queen herself, in her instructions to her commissioners, and in their reply to Murray, during the conferences at York, maintains only, that Bothwell had received his acquittal from an assize of his peers, confirmed in parliament by the nobility present, her opponents and others; and her answer to the accusation at Westminster, that she prevented the investigation and punishment of the murder to which she was accessory, refers to her former reply at York²⁹. Amidst the artful

²⁸ Anderson, ii. 157. Keith, 405.²⁹ Goodall, ii. 163. 207—85. 342—61.

fictions with which the simple fact of the bond is invested, no intimation was then given of Morton's activity, or even of his presence at the trial, or of the concern of his associates in the acquittal of Bothwell. Two years afterwards, Lesly, in a pamphlet published under a fictitious name, resorts to the former Instructions of the lords and abbots, and asserts explicitly, what he was afraid even to hint obscurely, when confronted with Morton and Lindsay at the conference; "that Morton, Semple, Lindsay, and their adherents, especially procured, and with all diligence laboured his purgation and acquittal, which the three estates confirmed afterwards by act of parliament³⁰." An addi-

³⁰ Anderson, i. 26. This last assertion, that Bothwell's acquittal was ratified by the estates in parliament, is a gross fiction, which may enable us to estimate the credit due to the Instructions and to Lesly's Defence, to which Mary's apologists perpetually appeal. The lords and abbots of her party were conscious to a man, that his acquittal was neither ratified nor introduced in parliament; but in representing the midnight bond, to be explained in the next paragraph, as a legislative act of the estates in parliament, they subscribe to a conscious falsehood, dictated by Lesly, because it was convenient for their party to do so. This circumstance explains sufficiently Argyle's and Rothes's attestation of Lesly's interpretation of the Raid of Beith, and the protestation concerning the conference at Craigmillar, which Argyle and Huntley were desired to sign. When such a direct and wilful falsehood is asserted uniformly by a whole party, no reliance can be placed on a single fact in

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tional fact, unknown to Lesly in Scotland, was brought forward in France (1572) by the anonymous author of *L'Innocence de Marie*, that Morton accompanied Bothwell before the judges. Blackwood scrupled not to intimate, in 1587, that Morton himself was one of Bothwell's judges; and in *Maria Innocens*, published abroad (1588) under a fictitious name, Turner, a Scottish priest and professor at Ingolstadt, affirms without hesitation, that Morton actually pleaded the cause of Bothwell³¹. This last assertion is, with some modifications, preferred by Camden, that Bothwell's cause was sustained or conducted

their instructions or protestations; much less upon Lesly's veracity, who perseveres in the fiction, but forgets, in the accusation of Morton, Semple, and Lindsay, to explain his own share in the privy council that directed the acquittal of Bothwell. In fact, the accusation of Morton and his associates must be rejected, when combined with such a wilful perversion of truth.

³¹ Jebb, i. 403—63. ii. 216. That Murray's mother, the Lady Lochleven, to whose care Mary was committed in Lochleven Castle, pretended to have been married to James V. depends entirely on the same authorities, and is obviously framed to insinuate Murray's secret designs on the crown. Jebb, i. 404—65. As a confirmation of the fact, Turner adds, that Murray's mother dreamt at his birth, that she was delivered of a serpent and a lion that fought together, and although the serpent prevailed at first, the lion at last was victorious. From this dream he terms Murray a serpent; and Blackwood (*Id.* ii. 196.) infers, that the lion was Scotland, which he oppressed for a time,

by Morton; and the fictions of an anonymous French writer, and of a Scottish refugee, are eagerly snatched at by modern apologists, as historical facts³². But the real authors of Bothwell's acquittal are easily ascertained. Argyle, justice general, and Caithness, chancellor, or foreman of the jury, sat, with Bothwell, Lesly, and Lethington, in the privy council that appointed the trial. That Pitcairn, commendator of Dumfermline, Lord Lindsay, Macgill, and Balneaves, sat as assessors to the justice general, is another convenient assertion, for which there is no foundation whatever³³. Three of the jury,

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157.

Bothwell
acquitted
by the
queen's
friends.

³² Mortonio causam ejus sustinente. Camden, 117. Keith, 376. Tytler, ii. 101. Stuart, i. 207. Whitaker, i. 302. This last writer creates some additional facts by inference, that it was Morton who introduced the flaw into the indictment, and provided the armed men to attend Bothwell and himself to the place of trial, &c. Ibid.

³³ Keith, 375. A fact unknown to Lesly and to every writer, till advanced by Keith without authority, should have excited the suspicion of those later authors quoted in the preceding note, who transcribe the assertion without inquiring into its truth. Assessors are mentioned, but their names are not inserted in Bothwell's trial, the authenticated copy of which, in the State Paper-office, has been examined by Mr. Bruce, keeper of State Papers, to ascertain the fact. Of course there is no foundation for Keith's assertion, that those adherents of Murray and Morton sat as assessors to the Justice-General upon Bothwell's trial. But Keith's authority is easily discovered. Blackwood informs us that Morton, "*& la faction de Murray, qui depuis ont poursuivy*

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The trial
conducted,

Herreis, Boyd, and Gordon of Lochinvar, were selected as Mary's commissioners in England; Rothés, Cassilis, Ross and others, subscribed the bonds for her release, or defence, on her escape from Lochleven; and of the fifteen jurors, Semple alone adhered afterwards to Murray³⁴. The trial,

sa majesté de cet acte detestable, sont commis à l'instruction & jugement de son procès;" which he explains on the margin, "Morton et Murray ses juges." Jebb, ii. 216. From this hint, that the judges were of Murray's faction, who afterwards accused Mary of the crime, Keith supplied the omission of the assessors' names, from the list of the commissioners and assistants, her accusers in England. He knew that neither Murray, Morton, nor Lethington, nor the Bishop of Orkney, nor Buchanan, nor the Laird of Lochleven, sat on Bothwell's trial; and he concluded by a convenient inference, that the remaining commissioners, Lindsay, Pitcairn, Balneaves, and Macgill, two lords of session, were the judges or assessors, to whom Blackwood alludes. But he durst not quote Blackwood's authority for such an assertion.

³⁴ Lord John Hamilton, commendator of Aberbrothick, signed the bond at Dunbarton for the queen's release (Keith, 436.); and of the remaining jurymen, the Master of Forbes does not afterwards appear: the Lairds of Langton, Cambuskenneth and Barbugle, signed the bond for supporting the king's authority (Anderson, ii. 231); but on the queen's escape from Lochleven, they hastened with Ogilvie of Boyne, the last jurymen, to subscribe the bond for her defence. Keith, 475. Lord Caithness' eldest son was married to Bothwell's sister, and Seton, Sinclair, and Huntley, were connected with the family by former intermarriages. Douglas's Peerage.

therefore, was directed or conducted by the Earls of Argyle, and Caithness, by Lesly and his coadjutors at the conferences in England; nor is a vague imputation published by Lesly two years afterwards, under a fictitious name, sufficient to transfer the acquittal of Bothwell, from himself and his coadjutors, to Morton and his friends. The crown lawyers disclaimed, in effect, all share

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On comparing the two bonds in Anderson and Keith, it appears that many, in compliance with the ruling party, signed the bond in 1567, who subscribed, afterwards, the bond in 1568, for the queen's defence. Among others, *Michael* Lord Carlisle, signs the former, "with the Notary's hand at the pen;" whereas the latter is signed, according to Douglas's Peerage, by *James* Lord Carlisle, his supposed elder brother, to whom he had not then succeeded. This circumstance has furnished Whitaker with a notable detection, that the signatures to the bond for the king's support are mostly forged. He knew not what little reliance can be placed on Douglas's and George Crawford's Peerages, whose genealogies are supported by proofs and MSS. that are often fictitious. The bond for the queen's defence, to a copy of which, in the advocate's library, Douglas refers, is merely signed *Carleil*, which Douglas mistook for the signature of James, instead of Michael, from a blunder in Crawford's Peerage, who quotes a charter to Michael, the brother and heir of James, in 1529, which, on searching the records, has no existence. Such is the only proof of the existence of James, the elder brother of Michael Lord Carlyle; and on such visionary authorities do those writers accuse the most public instruments and records of forgery. Whitaker, iii. 58. 579. See a paper by Lord Hailes in the Edinburgh Magazine for November 1787, p. 359.

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and Both-
well acquit-
ted by the
queen's
friends.

in the prosecution, except their concurrence. No evidence whatsoever was produced. On the contrary, Lennox was cited as private accuser, to support the charge, when Cunningham, a young man of his household, unexpectedly appeared, and excused his absence till his friends could be collected to protect his person; required the trial to be adjourned to procure support against the greatness of his adversary, and protested for an assize of wilful error, if the murderers should be absolved. The demand was overruled, and the jury acquitted Bothwell of all share in the murder; but their foreman protested, in opposition to Cunningham, that no evidence was produced to justify a different verdict, or to subject them to a trial for wilful error³⁵. From these circumstances it appears, that the trial was directed by Bothwell himself, and that his acquittal was managed and pronounced by the friends of the queen. But whether conducted by Morton or not, it is also evident, that from a collusive trial, directed by Bothwell, with an armed force to suppress the evidence, and to prevent the appearance of the accuser against him, the queen could never have considered him as innocent, when, in the opinion of the whole nation, as well as of impartial posterity, the circumstances of his acquittal, served only to establish the reality of

³⁵ Anderson, ii. 107.

his guilt. The plain, and indeed the only conclusion is, that in consequence of the remonstrances from France and England, she sought in the trial for such a decent pretext, as might justify rather to her friends abroad, than to her subjects at home, her marriage with the man who, when accused by public report, was acquitted by a solemn judicial sentence of all share or concern in the murder of her late husband.

7. The acquittal was no sooner pronounced, than Bothwell posted up a public challenge, offering as a vindication of his innocence, to fight hand to hand, with any person of good repute, who should dare to maintain that he was guilty of the murder; but the challenge occasioned another placard, in which the charge was renewed. As if his innocence, however, were now incontestable, he was appointed on Monday, the second day after his trial, to carry the crown and sceptre, a mark of distinguished favour, at the opening of parliament. The commissioners for its opening, and the lords of articles, were selected from the queen's friends; and if Morton's name appears in the articles, we at the same time discover the Abbots of Killwinning and Aberbrothick, Lesly and Herreis, Bothwell and Argyle. No investigation was attempted, nor the least notice taken of the king's murder; but a severe act was passed against the placards, that whosoever first discovered and neglected to suppress them, should suf-

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Parliament,
April 14.

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fer the same capital or *arbitrary* punishment with the authors themselves³⁶. The surrender of Edinburgh castle, the custody of which the estates had formerly conferred upon Mar, was confirmed in parliament; and as some retribution to Bothwell for his past services, dangers, and losses, which are highly magnified, the grants and offices which he derived from the queen, were approved and ratified in the most ample terms. Murray's earldom was also ratified, according to Mary's promise before his departure; and among others, five of the jurors who acquitted Bothwell, obtained confirmations of their respective grants from the crown³⁷. But an act intended to conciliate the interest and support of the protestants, demonstrates the transcendant influence of a man who could procure for the reformed religion, that legal confirmation to which Mary hitherto had

³⁶ Taken literally by Balfour, or some civilian, from the edict of Valentinian and Valens *De Famosis Libellis*. C. ix. t. 36.

³⁷ Anderson, i. 113-17. ii. 157. Keith, 378. Crawford's MS. Robertson, ii. 327. Crawford, Rothes, Caithness, Herreis, Semple, Ogilvie of Boyne, obtained ratifications. Records of Parliament. On the 17th of April, the Earl of Caithness obtained from Mary, by Bothwell's means, an hereditary grant of the office of justiciary, with power of life and death, over Caithness and Sutherland, as the reward of his concern in the murder of Darnley. Sir Robert Gordon, of Gordonstone's Hist. of the Sutherland Family, MS.

refused her assent³⁸. The attainder of Huntley, and of his friends, was at last reversed. But as Huntley had already consented to Bothwell's divorce from his sister, and to his marriage with the queen, the inference, that such consent was the consideration for which he was restored to his paternal estate and honours, can admit of no dispute. The queen's intended marriage with Bothwell had been early reported through both kingdoms: and Lord Herreis, it is said, had repaired to court, well accompanied for his own preservation, and had conjured the queen not to listen to a dishonourable alliance, equally dangerous to her own reputation, and to the safety of her son. It appears, however, that this nobleman was afterwards gained, by an extensive grant, to promote the trial, the acquittal, and the marriage; but Melvil had communicated a letter from England, to dissuade the queen from a disgraceful marriage with the reputed murderer of her former husband; all which she imparted instantly to Bothwell, from whose sanguinary fury Melvil was only preserved by flight³⁹.

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Huntley
restored.

³⁸ See Lord Hailes' Remarks on the History of Scotland, 155; and Robertson, i. 425, note.

³⁹ Melvil, 78. Lord Herreis's lands, of Terreigles, had been converted, in the late parliament, from ward and relief, into a blanch tenure, the importance of which, will be understood by those who are in the least conversant in the laws of Scotland. Records of Parliament, MS.

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April 19.

The confirmation of Bothwell's acquittal and innocence, and the consent of the estates to his marriage with the queen, which it was difficult, how desirable soever, to procure in parliament, were accomplished by stratagem. When the parliament rose on Saturday, the nobility were invited by Bothwell to supper, and at a late hour of intemperate festivity, the marriage was proposed by himself, and supported by such persons as were privy to the design. The assent and signatures of the nobility present, were obtained to a bond, in which they attested his innocence of the king's murder, recommended him to the queen as a suitable husband, and engaged to support the marriage, if acceptable to her, with their united forces, their lives and fortunes. We are told that the tavern was filled and surrounded with armed men; and that the queen's permission, upon being required in writing, was produced as a warrant to sign the bond, which, according to every hypothesis, must have been obtained from the nobility, on some assurance they had received, or some persuasion which they entertained, that it met with her approbation and previous assent. The example of Huntley, the chancellor, was followed by Argyle, Caithness, Rothes, Morton, Cassilis, Boyd and Herreis, by the popish and protestant lords present, who indiscriminately subscribed. The bond was signed and attested on the ensuing day by eight prelates, among

whom were Hamilton the primate, and Lesly, Bishop of Ross⁴⁰; and it appears, that at this

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⁴⁰ Anderson, i. 177. Keith, 382. Goodall, ii. 141. Two copies of the bond are preserved; the one communicated by Reid, Buchanan's amanuensis, privately to Cecil, "with the names of such of the nobility who subscribe the bond, as he might remember;" the other in the Scotch College at Paris, a copy attested by Sir James Balfour, from the original in his custody, and transmitted to Mary, in 1580-1. As Murray, the first in Reid's list, had left the country ten days before the bond, Keith and Anderson justly observe, that Reid's memory might have been equally inaccurate in other names. Whitaker, who prefers his list from memory, to Balfour's attested copy from the original, supposes that Murray signed the bond as an example to his adherents, before he left the country; but that his name was afterwards suppressed by Balfour. Whitaker, ii. 357. That Murray did not subscribe the bond, is certain from the silence of Mary and her commissioners, Lesly, Boyd and Herreis, at York and Westminster, who must have observed, and remembered his name, as the first signature, when the bond was shewn to her, or when they subscribed it themselves. Ten years after Murray's death, Balfour, previous to Morton's execution, could have no inducement to suppress, but, on the contrary, every temptation to insert his name in transmitting a copy of the bond to Mary. In Balfour's copy, the subscribers are, the Archbishop of St. Andrew's, the Bishops of Aberdeen, Galloway, Dumblane, Brechin, Ross, Orkney, and the Isles, who, with the Bishop of Dunkeld, were the only prelates present in parliament; the Earls of Huntley, Argyle, Morton, Cassilis, Sutherland, Errol, Crawford, Caithness, Rothes; the Lords Boyd, Glamis, Ruthven, Semple, Herreis, Ogilvie, and Fleming, all of whom are marked as present in the rolls of parliament. Reid's list from memory, omits the bishops, and

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period an answer to the former letter from Elizabeth, before the trial, was returned by Mary, intimating, "that Bothwell was acquitted by the laws and the sensament of parliament, and had further offered to assert his innocence by single combat, as a nobleman ought⁴¹." From the

Errol, Crawford, Glamis, Ruthven, and Fleming, and adds, Glencairn, Seton, Sinclair, Oliphant, Ross, Carlyle, Hume, Innermeith, none of whom were present in parliament except Ross and Seton. Balfour's copy is also dated the 20th, instead of the 19th, as the bond was signed at midnight, after supper; and, as a farther confirmation, we learn from Buchanan, that the subscription of the bishops was obtained on Sunday, when the date was probably added to the bond.

⁴¹ Anderson, i. 100. The letter is preserved only in her instructions to Melvil; but its date must be ascertained. "It is trew, that scho wrate to us, and we send her answer agane, the copy quharoff we have deliveritt you heirwith.—In effect it is this, that seing he wes acquite be oure lawes, and be sensament of parlement, and had further offerit him reddie to do all thing for triall of his innocency, that ony nobillman in honour aucht, we thocht the former calumpny and accusation and that we mycht weil aneuch tak him to husband." Anderson, i. 106. This last clause is evidently no part of the letter, but the queen's conclusion to Melvil, that she might 'weil aneuch tak him to husband;' 1. because she instructs Melvil to excuse the sudden consummation of her marriage, "not makand her deirest sister advertisement, nor askand her advyss and counsall tharein;" a proof that the letter was not written then: 2. because we cannot suppose that Elizabeth's messenger was dismissed without an answer, much less that the answer to her letter of the 8th of April, was delayed till the 15th of May. As it was certainly not

reports circulated in both kingdoms, and from the distinguished honours conferred upon Bothwell, the marriage was certainly not unlooked for; and the assent of Huntley to the bond, was sufficient of itself to assure the nobility of his previous acquiescence in the divorce of his sister. But without the queen's approbation and authority, such an obligation could never have been obtained from men of the most opposite parties, some of whom were afterwards her most faithful adherents, and others again her most violent opponents. She could not be ignorant that the proper business of parliament was the investigation of the king's murder, which, however, had not been once mentioned; but, on the contrary, that the act against placards was purposely framed to suppress all evidence whatsoever against the perpetrator of the crime. She must have perceived, that the acts were calculated to aggrandize the only person of eminence suspected of the murder; and it is impossible to ascribe to Morton, or to Murray's adherents, a bond subscribed by her friends, the popish nobility and

written at Stirling or Dunbar, the acquittal of Bothwell by the laws and sensament of parliament, fixes its date indisputably on Sunday, April 20th, when the bond, signed by the nobility and bishops, could be urged as a confirmation of his acquittal in parliament, but before it could be mentioned as the consent and request of the estates for his marriage with the queen.

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the bishops, whose interest would have led them to oppose a marriage with a protestant lord. An engagement framed at table, in a public tavern, had it been even transacted without her concurrence, could not have escaped her observation on the succeeding day : the report must have spread through the city, more especially upon Sunday ; and Herreis, Boyd, and Lesly in particular, must have informed their mistress of the whole transaction. But her answer to Elizabeth, “ that Bothwell was acquitted by the laws, and the “ sensament of parliament,” affords a convincing proof of her knowledge of the bond, the only substitute that was ever obtained for the sense of parliament ; and as the distinguished favour, command, and influence with which Bothwell was invested, had already sufficiently indicated the man of her choice, we must conclude, that an obligation from the nobility and popish bishops, to support his marriage, could not have been obtained without her approbation and consent.

Journey to
Stirling,
April 21.

8. The queen went to Stirling next day, to visit her son : on Wednesday, she returned to Linlithgow ; and from these two places her four last letters to Bothwell were written. On the same day that she returned from Stirling, Bothwell, who had remained behind, to collect his retainers, left Edinburgh under the pretext of an expedition to Liddesdale, and advanced to Hatton with a thousand horse. It would be difficult to conceive that

he could remain all night, accompanied by such a numerous party, within eight miles of Linlithgow, unknown to the queen, whose suspicions his recent conduct was sufficient to have excited; but every circumstance conspires to demonstrate, that she was conscious of his designs. He met her on Thursday morning at Cramond-bridge⁴², and while his attendants secured Huntley, Melvil, and Lethington, he seized her bridle, and, without the least opposition, conducted her to Dunbar.

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Bothwell's
seizure of
the queen's
person,
April 24.

⁴² As each inch of ground is disputed in this controversy, it is necessary to ascertain the precise place where the queen was seized. It is fixed by Buchanan, *ad Almonis pontem*, by Birrell's Diary, *at the bridge of Craumond*, (on the river Almond,) by Melvil, who was present, "on her back-coming between Linlithgow and Edinburgh," and by a remission to some of Bothwell's attendants, *proditorii raptus S. D. N. Regina ipsa proficissenti iter suum a burgo de Linlithgow, ad burgum de Edinburgh*, 10 May, 1567. Privy Seal Record B. 36, f. 97. Keith and Whitaker, however, have transferred the place from the Almond to the Avon, to the westward of Linlithgow, and the latter converts *Halton*, or *Hatton*, into *Walton*, a farm-house two miles north-east of Linlithgow; in order that Bothwell, by remaining all night at Walton, might surprise the queen, without her connivance, on the same day that she returned from Stirling, at Linlithgow-bridge, before she entered the town, Keith, 382. Whitaker, iii. 408—26. The object of all this is to discredit Murray's Diary, and the second series of letters, of which the last is from Linlithgow; but Whitaker ought to have known, from Keith's Catalogue of Scottish Bishops, that Hatton and Halton are the same place.

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Such an outrage, to judge from her character, and from her conduct on the assassination of Rizio, must, if real, have excited her loudest indignation; but Melvil was assured by one of Bothwell's officers, that nothing had been done without her own consent. Birrell's Diary informs us that "at the bridge of Craumont, the Earl of Bothwell, being well accompanied, raveshitt the queen, and so took her that same night to the Castell of Dunbar, not against her awen will." The Historie of James the Sext is still more explicit. "Then Bothwell thinking thair was na contraversie againis him in Scotland, conveyit the number of aucht hundredreche horsemen, and as the queen was cumand from the castell of Striveling, to have returned to Edinburgh, he met her in the way; and convoyit hir per force as appeirit to the castell of Dunbar, to the end he might enjoy hir as his lawful spous. And in the mean tyme causit divorcement to be led, and separation proceed betwixt him and his awen mariet lawful wyfe, the Lady Jean Gordoun, than sister to George Earl of Huntlie. The friendly liufe was so hieghlie contractit betwixt this great princess toward her enorme subject, that thair was na end thairof; for it was constantly esteemit of all man that either of them loued uther carnally: sa that shoe sufferit hirself patiently to be led quhair the lover list.

“ And all the way nather made obstacle, impe-
 “ diment, clamour, nor resistance, as in sic acci-
 “ dents used to be, or that shoe might have done
 “ be hir princely auctoritie, being accompanyt
 “ with the noble Earl of Huntlie, and secretar
 “ Maitland of Lethingtoun⁴³.” If displeased,
 she must have expressed some resentment at least,
 to Lethington ; and Melvil, whom she had em-
 ployed to raise the citizens on the murder of Rizio,
 must, upon his release next day, have received
 some intimation to solicit aid for her relief. But
 it appears that she had already visited Dunbar on
 the 2d, and one object of the seizure was soon
 explained ; namely, the vindication of her preci-
 pitate marriage to foreign courts. The first pre-
 cept of *partising* in Bothwell’s divorce, was grant-
 ed upon Saturday, the second day after the sei-
 zure, by the commissaries of Edinburgh, on the
 procuratory formerly obtained from his wife, in
 whose name the divorce was instituted. The pre-
 cept, according to the forms of the commissary
 court, is merely a warrant for the citation of wit-
 nesses, for which the application must have been
 made that same day ; and the summons upon which
 it proceeded must have been issued therefore before
 the seizure⁴⁴. Next day, the consistorial jurisdic-

and divorce
 from his
 wife,
 April 26.

April 27.

⁴³ History of James VI. p. 13.

⁴⁴ The form then in the commissary court, was to summon
 the defendant against a day prefixed, and on the first term, or
diet of compearance, whether he appeared or not, the judge ap-

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1567.

April 29.

May 1.

tion, to which the Archbishop of St. Andrew's had been restored by her signature, after the baptism, was exerted for the first and only time, by a commission which he granted to determine a counter process already commenced by Bothwell against his wife, to annul their marriage, as contracted within the prohibited degrees of blood⁴⁵. The two suits, therefore, were instituted before the seizure, and in different courts, to satisfy the protestants as well as the papists, that the queen's marriage with Bothwell was strictly legal. In the protestant, or commissary court, the first appearance of counsel was on Tuesday the 29th, when some witnesses were examined; the second was on Thursday, May 1, and a divorce for Bothwell's adultery with his wife's maid was pronounced upon Saturday the 3d, within eight days after the litigation had commenced. A privy council had been held at Dunbar, April 29, and the queen's order for provisions to the household, pointed a second term, and granted a precept, if necessary, for the citation of witnesses. The summons of divorce must have been *raised* before Saturday, the first term or *diet of compearance*, when the precept was issued; and it is extremely probable, that a blank summons, according to the practice then, was *raised* so early as the 5th of April. Sir James Balfour's Practics, 656-7.

⁴⁵ Robertson, ii. 438. Murray's Diary, Appendix, No. III. From Anderson's MS. copy of Bothwell's divorce, it appears that the commission was granted *by*, not *to*, the archbishop, as erroneously printed in Robertson's Appendix.

superseding a former injunction at Seton as inexpedient, refutes the idea of any personal constraint⁴⁶. “They had scarcely remainit,” according to the History of James VI. “be the space
“of ten days in the castell of Dunbar, and
“na great distance being betwix the queen’s
“chalmer and Bothwellis, quhan they thoucht
“it expedient to cum to Edinburgh-castell, and
“be the way to shaw hirsell to the people,
“that Bothwell was ready to put hir to libertie
“again, according to the dewtie of an obedient
“subiect. Bot at the streit entry of the town,
“that leads to the castell, he maid semblance to
“lead hir brydle, and sensibell people inter-
“pret the same as though he convoyit hir majes-
“tie as his captive to a castle quherin a substitute
“of his was, callit Sir James Balfour.” They
returned to Edinburgh on Saturday the 3d, the
day that sentence of divorce was pronounced by
the commissaries. On the same day the archbi-
shop’s commission was presented by Bothwell’s
procurator to two of the commissioners, and the se-
cond precept of *partising*, for the citation of the
party and witnesses, was issued by a consistorial
court erected for the express purpose of pronounc-
ing the divorce. On Monday and Tuesday, the
5th and 6th, the same counsel appeared as in the
protestant court, and the marriage was annulled

Returns
with the
queen to
Edinburgh,
May 3.

⁴⁶ See Appendix, No. VIII.

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on the 7th, as contracted without a dispensation, and within the prohibited degrees of blood⁴⁷. When a divorce for adultery was commenced, by Lady Bothwell, a papist, before a protestant court, and another for consanguinity, by Bothwell, a protestant, before a popish tribunal created for the occasion, it is absurd to maintain that there was no collusion between them, because the wife could have no interest to conspire against herself⁴⁸. After the murder of the king, she must have known and felt that her life would be no obstacle to the queen's marriage if she should refuse her consent and proxy to institute a divorce in her own name. But the Hamiltons had no such connexion as Huntley's, with Bothwell, with whom the archbishop at least had no interest to co-operate. The bond for Bothwell's marriage had been signed by the prelate himself, and his suffragans, with the queen's approbation, as he undoubtedly conceived. Had he believed, however, that the succeeding seizure of her person was real, or rather had he not understood, and actually

⁴⁷ Robertson, ii. 438.

⁴⁸ Whitaker, iii. 350. "It appeareth," says Calderwood, "that this process was led *before* the parliament time, and that she was moved to pursue for divorcement, not only *for fear of her life*, but also, as the manuscript which I have seen relateth, that the restitution of her brother to his father's lands *at the parliament* might not be hindered." Calderw. ii. 43. MS.

known the fact, that it was altogether fictitious, he never would have issued, as the first act of his revived jurisdiction, a commission to determine Bothwell's divorce from his wife during the suspension of justice, for the avowed purpose of his marriage with the queen. When the bond for Bothwell's marriage with Mary, was subscribed by the nobility, the divorce from his wife was sufficiently understood; and the archbishop who had signed the one, as he believed, with the queen's approbation, must have issued his commission for the other, three days after the seizure, with her express consent. The revival of his jurisdiction at the baptism, was subservient therefore to Bothwell's divorce, the sole purpose for which it was ever exerted; and we must conclude that the journey to Stirling was collusive, that the seizure itself was a fictitious rape, and that the archbishop was well assured of the queen's approbation, and intended marriage, before he granted a commission for the divorce.

9. A privy council consisting of Huntley and the Bishops of Orkney and of Galloway (Huntley's uncle), Balfour, the clerk register, and Belenden, the justice clerk, was held on the 6th, and another on the 8th⁴⁹. The banns were reluctantly published, by the queen's order, on Friday and Sunday, but in terms of such strong repro-

The
queen's
marriage
with Both-
well.

⁴⁹ Records of Council, MS.

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II.1567.
May 12.

bation, by Craig a minister, that she appeared in the court of session upon Monday the 12th, in presence of Huntley the chancellor, Hamilton the primate, the Bishops of Galloway, Orkney, Ross, and Dumblane, the Earls of Cassilis and Caithness, Lord John Hamilton Abbot of Aberbrothick, Gavin Hamilton Abbot of Killwinning, the Lords Boyd and Seton⁵⁰, whose names are sufficient to intimate by what party the marriage was promoted at court. Having again authorized the administration of justice, which had been suspended by her seizure, she declared that although *commoved* at first against the Earl of Bothwell, yet from his good behaviour towards her, from her knowledge of his past, and for a reward of his future services, she freely forgave him for the imprisonment of her person, and being now at full liberty, she intended to promote him to further honours ; of all which his counsel demanded instruments of protest. The pardon which the queen pronounced was never registered, if it passed the seals ; but another object of

⁵⁰ Here, and on other occasions, I do not enumerate the subordinate officers of state, whose attendance was merely official, and whose adherence afterwards to Murray, who continued those whom he found in office, is no proof that they were his adherents then. They submitted to Bothwell's administration as they did to his, to preserve their places, from a convenient maxim, that the government which is uppermost is always best.

the seizure was now discovered, namely, that under the pretext of having detained her person, he should receive a pardon for treason *and all other crimes whatsoever*, in which the murder of the king was virtually contained⁵¹. That no apparent disparagement might be incurred from the marriage, Bothwell was created Duke of Orkney, and invested with the jurisdiction, and the crown-rents, of a county, without which, as she stated afterwards in her testament, the royal household could not well be supported⁵². Her marriage contract with this potent prince, as he is now denominated, was signed on the 14th, May 14.

⁵¹ Anderson, i. 87. ii. 279. iv. 61. Bothwell's motive is denied by Whitaker, as his pardon never passed the great seal, or, to speak more accurately, was never recorded, iii. 114. Neither was his patent as Duke of Orkney; but the queen's declaration contains an express remission, and it is in vain to deny the motive, because from his profound security, and sudden reverse of fortune, the pardon, like the patent, if it passed the seals, was not presented for registration. Porteus, Melrose, Sinclair and others his attendants, obtained a remission on the 10th, under the privy seal, *pro arte et parte cum Jacobo comite de Bothwell, &c. proditorii raptus nobilissimæ personæ S. D. N. reginæ, &c.* nor would Bothwell be more inattentive to himself. Such is the *crimen raptus* in Scotch, the *ravishing* or forcible *abduction* of her person, described in Bothwell's attainder; *proditoria interceptione, proditoria et violenta incarceration et detentione, sic nefandum crimen raptus in nobilissimam personam ipsius reginæ committendo*; which is now converted into a positive rape.

⁵² Robertson, ii. 528.

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and attested by the chancellor and subordinate officers of state, the Archbishop of St. Andrew's, and the Earls of Crawford and Rothes, the Bishops of Ross and Galloway, the Lords Fleming and Herreis, all of whom were the queen's friends. Their former bond for the marriage was produced, to which she annexed an obligation for herself and her successors, never to impute it to them or to their heirs as a crime⁵³. Melvil, whether from design or forgetfulness, represents the nobility as then induced to subscribe the bond, "declaring that they judged it was much "the queen's interest to marry Bothwell, he "having many friends in Lothian and on the "borders that would cause order to be kept;" to which he subjoins an additional motive, "and "then the queen could not but marry him, seeing "he had ravished her and lain with her against "her will⁵⁴." Such is the first intimation which we receive of an actual rape; but Melvil's narrative gives us no reason to suppose that the ravishment, as the seizure, or *crimen raptus* is styled in Scotch, was without her own consent. It was meant, undoubtedly, to vindicate a precipitate marriage, without asserting a positive rape; of which neither Mary, in her apology to the French court, nor Lesly in his defence

⁵³ Anderson, i. 111. iv. 59. Goodall, ii. 61. 140.

⁵⁴ Melvil, 80. See Appendix, No. IX.

of her honour, gives the least intimation⁵⁵. But Melvil or his editor, having misplaced and misrepresented the bond of the nobility, adds as an apologetical and more adequate motive for the marriage, what he could not conscientiously assert as an historical fact, that Bothwell had ravished, or carried her forcibly away, and lain with her, ostensibly against her will.

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Her marriage was publicly celebrated on the 15th, both in the popish and in the protestant April 15.

⁵⁵ Lesly's defence of the marriage is curious, "that after the murder of her secretary and husband, the queen, fearing some new stir and calamity if she should refuse her nobility's request; and never to that hour once admonished, either publicly or privately after the earl's acquittal, that he was guilty of the fact, and suspecting nothing thereof, yielded to that which these crafty, colluding, seditious heads, (Morton, Semple, Ruthven) and the necessity of the times, as to her did seem, did in a manner force her." Anderson, i. 27. Not a word either there, or in his instructions, of the collusive seizure which Lesly was suspected and accused of having himself devised; (Buchanan, Hist. 356.) much less of the pretended rape; and he glides over, or ascribes to her ignorance, to state necessity, and to her adversaries who were not present, a marriage, to each step of which he subscribed and attended in person. Blackwood's and Con's defence is to the same effect, without the least surmise of a rape, but with this additional fiction, that Mary, before she would assent to the marriage, was assured of Lady Bothwell's death (Jebb, ii. 31. 218.), whom she acknowledges, in her apology to Elizabeth, to be still alive. Anderson, i. 106.

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form⁵⁶, by Bothwell, the reformed Bishop of Orkney; and Mary's first care was to vindicate her sudden choice to the French and English

⁵⁶ The marriage was publicly celebrated, according to Murray's Diary, "after baith the sorts of kirks, reformed, and unreformed:" and according to the association of the confederate lords, June 16, 1567, it was "accomplished in baith the fashions." Anderson, i. 136. The fact, which they could not mistake, and which, within a month after the marriage, they had no temptation to misrepresent, is contradicted, as usual, by Whitaker, who maintains, on Melvil's authority, that the marriage was confined to the protestant form. Whit. iii. 134. Melvil mentions that the marriage was made in the council hall, according to the reformed order, and not in the chapel at the mass, as was the king's marriage. Memoirs, 80. But the improbability that Mary would acquiesce in a protestant marriage, is alone sufficient to refute the assertion. Melvil, writing from memory, in his old age, mentions the protestant marriage, at which alone he was present. But Birrell's Diary informs us, that they were married by the same bishop, in the Chapel Royal, where, as mass was always performed there, the marriage must have been celebrated in the popish form. The reformed Bishop was not so scrupulous as to refuse to officiate privately in his former capacity; and Calderwood's information contains a just explanation of the fact. "The Bishop of Orkney, at the marriage, made a declaration of the Earl of Bothwell's repentance for his former offensive life, and how that he had joined himself to the kirk, and embraced the reformed religion;" (having formerly temporized) "but this was only to gull the people; for the same day in the morning, they were first married with a mass, as was reported by men of credit." Calderwood, ii. 44. MS.

courts. Her instructions to the Bishop of Dunblane are drawn with the most characteristical and matchless art, to excuse her marriage to the court of France. She magnifies Bothwell's fidelity and good services to her mother and to herself, from his early youth; his valour, conduct and enterprise in the wars with England; his strenuous and uniform support of her authority on her return to Scotland; and upon his recall from an honourable exile, the address with which he released her from a recent conspiracy, an important service which she could never forget. Ascribing his steadfast obedience to a sense of duty, she professes to have shewn him the more favour, the same however as to other noblemen attached to her service; but she adds, that since the decease of her late husband, as the pretensions of Bothwell began to be higher, she found his proceedings somewhat strange, till nothing could reward him but the queen herself: That the whole estates being assembled in parliament, he had obtained a writing under all their hands, not only to approve, but to recommend and promote the marriage with their lives and fortunes; giving them to understand that it was with her consent: That upon announcing his intentions afar, when her answer was in no degree correspondent to his desire, he had resolved to prosecute his good fortune; and on her return from a visit to her son at Stirling,

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Her apologies to the French and English courts.

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had awaited her by the way with a great force, and led her with all diligence to Dunbar. No mention is made of any opposition upon the road ; but the queen proceeds to state, that being at Dunbar, she reproached Bothwell with his ingratitude, and “ albeit we fand his doings rude,” (in the seizure) “ yet were his answers and words bot “ gentle ;” that he was constrained as well by necessity as love, to carry her to one of her own houses for the preservation of his life, as there was no safety from the conspiracies of unknown enemies, unless he were assured of her constant favour, and that other assurance there was none, unless she would condescend to receive him for her husband : That she left it to her friends to judge what cause she had for surprise when he produced the bond ; but that as no one appeared for her relief, she had been compelled to mitigate her displeasure ; and that considering the factious turbulence of a rebellious nation, which would neither submit to a female reign, nor endure a foreign prince for her husband, considering the necessity therefore of a marriage with one of her own subjects, among whom there was no one, either for the reputation of his house, or for his personal worth, wisdom, valour, or other qualities, to be compared with Bothwell, she had been content to accommodate herself to the consent and wishes expressed by the estates : That by these and other means, when Bothwell had partly

extorted and partly obtained her promise, fearing ever some alterations, he would not wait “as
 “were maist reasonable,” to consult the queen-mother, the king, or her uncle and friends in France; but “as by a bravado in the beginning
 “he had won the first point,” (her consent to the marriage) “so ceased he never till by persuasion
 “and importunate suit, accompanied not the less
 “by force, he has finally driven us to end the
 “work begun at sic time and in sic form as might
 “best serve his turn⁵⁷.”

The force that not the less accompanied his persuasion and importunate suit, is evidently the same with that which had partly extorted, and partly obtained her promise to receive him for a husband; and instead of implying an intermediate rape, is a mere apology to her friends, for a precipitate marriage without their consent. Her instructions to Robert Melvil, her ambassador in England, contain the same arguments; the factious and frequent conspiracies of her turbulent subjects, which would neither permit her to remain a widow, nor endure a foreign prince for her husband; the consent and request of the whole nobility assembled in parliament, that the Duke of Orkney should be promoted to that honour; and lest her marriage with a man suspected, and even accused of the murder of her husband,

⁵⁷ Anderson, i. 89.

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should appear strange to her sister, she repeats her former answer to Elizabeth's letter, that he was acquitted by the law and sense of parliament, and had offered all for trial of his innocence that became a nobleman; if the marriage should appear unlawful, because his first wife was still alive, she observes that his former marriage was dissolved for consanguinity and other determinate causes, by a regular divorce. "Swa that being bayth free," she concluded that she might "weill aneugh tak him in marriage;" which, as it was now past and irrevocable, she requests the two courts to excuse if precipitate; and to extend the same friendship to her husband that they professed for herself⁵⁸. From the names of the members present at the privy council, upon her return to town, from the list of the nobility and churchmen who attended the court of session on her appearance there, or attested her marriage contract, and obtained her approbation of their former bond, it is evident that the marriage had been promoted, not by the associates of Morton or of Murray, but by the queen's friends exclusively; the Hamiltons and the adherents of Huntley and Bothwell⁵⁹. From her long and artful apologies

⁵⁸ Anderson, i. 102.

⁵⁹ On the 16th, the day after the marriage, the Archbishop of St. Andrew's and Lord Oliphant were admitted members of the privy council, and Lord Boyd, on the 17th, at which time, Hepburn, Parson of Auldhamstocks, who conducted

to the two courts, exaggerating Bothwell's services before, and his ambitious pretensions since the decease of her husband; insinuating that he was absolved, and that the marriage was recommended by the *hail* estates assembled in parliament; and intimating that although the seizure was rude, the persuasions were gentle, by which he obtained her consent; the conclusion drawn by Robertson is also evident, not only that her marriage with the person accused of the murder of her husband, was in itself unjustifiable, but that she herself was conscious that it could not be justified.

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10. The remaining facts may be more concisely explained. The queen, on the 28th of May, had

Associa-
tion of
the nobili-
ty.

Bothwell's divorce, was appointed master of requests. The members present on the 17th, were Huntley, Crawford, Fleming, Herreis, the Archbishop of St. Andrew's, the Bishop of Galloway, Boyd, and the Parson of Auldhamstocks; on the 19th, Bothwell, Huntley, the archbishop, and Lesly Bishop of Ross; on the 22d, and again on the 23d, Bothwell, Huntley, Crawford, the Bishops of Ross and Galloway, the secretary, the register and justice clerks, and Chalmers of Ormond, Chancellor of Ross. Their names alone demonstrate the party that attended at court to witness the marriage; and the truth of Buchanan's assertion, that almost all but Bothwell's friends and relations had withdrawn to their homes. Hist. lxviii. 357. It is ridiculous now, to consider Murray, Morton, or their associates, as the authors either of the acquittal, or of the marriage, when it appears that none of them, Semple, one of the jury, excepted, witnessed either, or were present at a single preparatory measure.

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June 1st.

7th.

11th.

summoned her subjects, under the pretext of an expedition to Liddesdale, to attend in arms at Melrose on the 15th of June; and in consequence of Bothwell's attempts to obtain possession of the young prince, an association was secretly formed for his preservation. It consisted of the Earls of Argyle, Athol, Mar, Morton, and Glencairn, the Lords Hume, Semple, Sanquhar, Ruthven, Lindsay, and Boyd, the Lairds of Tullibardine, Grange, and Lethington, whom Bothwell had nearly assassinated at court; but the defection of Argyle and Boyd, betrayed their confederacy at Stirling to the queen⁶⁰. A declaration was issued, June 1st, to dispel the general suspicion which the expedition had excited, and to assure her subjects of her tender regard for the safety of her son. Robert Melvil was dispatched as her ambassador to England, on the 6th of June; and leaving Edinburgh on the 7th, she remained at Borthwick castle, while Bothwell passed to Melrose, to arrange the intended expedition against Lord Hume. The expedition for which her subjects were summoned, was undoubtedly meant, as on her former marriage, to defeat the efforts, and to crush the power of the confederate lords, who had foreseen, and were prepared to prevent the design. Early on the 11th, they appeared sud-

⁶⁰ Melvil, 82. Crawford's MS. Birrell's Diary. Buchanan's Hist. 361. Knox, B. v. p. 353. Keith, 394.

denly before Borthwick castle, from which Bothwell, who had returned thither, fled precipitately to Dunbar on the first notice of their approach⁶¹.

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⁶¹ Our late historians have been mostly misled by Melvil's erroneous information, that Bothwell, on receiving notice of a design to surround and seize him in Holyrood house, fled to Borthwick, thence to Dunbar, carrying the queen always along with him. Melvil, 82. That Melvil is frequently erroneous, both in facts and dates, appears among other instances, from his account of Bothwell's wound, and of the queen's journey to Jedburgh, which his editor at least places after the baptism, and misrepresents her sickness as a bruise received on horseback, which confined her two days to Hume castle. But Argyle's or Boyd's intimation of the association, was evidently received in the interval between the two proclamations of the 28th of May, and the 1st of June, after which Bothwell remained at Edinburgh till the 7th. From different letters; Mary to Throckmorton, (Mathew Crawford's Collection,) June 5th, Bothwell to Elizabeth and to Cecil, signed, J. D. (James Duke) Paper Office, June 5th, Lethington to Cecil, *ibid.* June 6th; it appears that Robert Melvil was not dispatched till the 6th, when, according to Calderwood, (ii. 47. MS.,) "the queen and Bothwell went to Borthwick castle, with their artillery and men of war;" or according to Murray's Diary, on the 7th, when he rode forward to Melrose, apparently to prepare for the forces summoned to meet him on the 15th. That design the confederates prevented on the 11th, when "the queene was in peaceable manner reposing with hir new mariet husband in the castell of Borthwick, nar to Edinburgh, they thought to have laid violent hands on thame baith, bot were deceivit: for the queen was premonisht, and escapit suddainlie to the castell of Dumbarr." History of James VI. The fact is now confirmed by Beton's letter, Appendix, No. X. which contains

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When convinced of his escape they retreated to Edinburgh, where Huntley and his uncle the Bishop of Galloway, Boyd and Lesly, the primate, and the Abbot of Killwinning, having in vain endeavoured to raise the citizens, retired into the castle, and were afterwards permitted to depart by Sir James Balfour⁶². At night the queen retired secretly from Borthwick castle, booted and spurred, in the disguise of a man; and was received within a mile of the place by some of Bothwell's servants, and conveyed to Dunbar⁶³. Had she remained at Dunbar, the confederates must have dispersed. But when she advanced with an army reluctantly assembled, to Carberry hill, her forces refused to fight, and began to separate, and as her retreat was intercepted by Grange,

the whole progress of events from the 11th to the 17th. But the fact is evidently anticipated by Melvil, who transfers the attempt to surprise and seize them in Borthwick castle, to their departure from Edinburgh five days before.

⁶² Buchanan, Hist. 362. Knox, B. v. 407. Calderwood, MS. ii. 48.

⁶³ See Appendix, No. X. which confirms Buchanan, and Murray's Diary, that the queen, *veste virili sumpta* (Hist. 361.) "followit Bothwell to Dumbar disguised." Buchanan's assertion, that the queen had a stamp made with Darnley's signature, which she committed to Rizio, to affix to public instruments, by which the king was excluded from all share in business, (Hist. 343.) is also confirmed by a deed published by Mr. John Davidson, to which Darnley's name has been affixed by a stamp.

with a party of horse, there was no resource for the preservation of Bothwell, but to send him away, and after his departure, and escape from the field, to submit to the confederates herself, on some vague stipulations for obedience and respect. The insults which she suffered from an enraged populace, are sufficiently known; but the grief, indignation, rage, and despair, with which she was alternately agitated, attest how differently she felt and suffered a real injury, from the pretended seizure of her person by Bothwell⁶⁴.

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Bothwell's
flight and
the queen's
imprison-
ment.

11. Her attachment to Bothwell still continued with unabated violence. After a full explanation of the danger to which the realm and her son were exposed, when the lords required that “she wald suffer and command the murther and authors thair of to be punist, they fand sic untowardness and repugnance thairto, that rather she apperit to fortifie and mentein Bothwell and his complices in their wickit crimes, nor to suffer justice to pass forward; quhairthrow, gif hir hienes suld be left in that state, to follow hir own inordinate passion, it wald not fail to succeed to the confusion and exterminatione of the haille realme.” They determined, therefore, after mature deliberation, “to sequesterate

Her attach-
ment to
Bothwell
continues.

⁶⁴ Calderwood, ii. 48. Melvil, 83. Birrell's Diary. Buchanan, 364. See Appendix, No. X.

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“ her person in Lochleven castle, frae all societie
 “ of the Earl of Bothwell, and fra all gating of
 “ intelligence with him or any others, quhairby
 “ he may gate any comfort to eschaip dew pu-
 “ nishment for his demerits⁶⁵.” These circum-
 stances in the order for her imprisonment, were
 afterwards acknowledged by Lethington, when
 her avowed partisan, at a conference which ex-
 plains the proceedings of the confederate lords.
 “ Then said the secretary, I will shew you the
 “ discourse of the proceedings hereof from the
 “ beginning: When we enterprised the taking of
 “ the queen at Carberry hill, there were then
 “ two chief occasions that moved us; the one was
 “ to punish the king’s murder, chiefly in my Lord
 “ Bothwell; the other was, that the unhappy
 “ marriage contracted between the queen and
 “ him might be dissolved, and to this end to se-
 “ questrate her body from him, she was put in
 “ Lochleven; and that these were the chief causes,
 “ the proclamations made at the time, and the
 “ writings sent to other countries plainly declared.
 “ As I myself (said he), the same night the queen
 “ was brought to Edinburgh, made the offer to
 “ her grace, if she would abandon the Lord Both-
 “ well, she should have as thankful obedience as
 “ ever she had since she came in Scotland. But
 “ no ways would she consent to leave my Lord

⁶⁵ See Appendix, No. XI.

“ Bothwell, and so she was put in Lochleven⁶⁶.” CHAP.
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 Melvil informs us, that she wrote that same night a letter to Bothwell, full of tender solicitude for his safety, promising never to abandon or to forget him ; which determined the confederates, on intercepting the letter, to confine the queen in Lochleven Castle. Such minute particulars, in which the author could not well be mistaken, coincide with the order to “ sequestrate her person from all getting of intelligence with Bothwell;” and the letter must have been genuine, as the queen was unable to disown it to Grange⁶⁷. When

⁶⁶ Calderwood, MS. ii. 245. This conference, which Robertson has quoted, ii. 339, is pronounced by Whitaker to be a forgery of Craig’s, “ the brother minister, and the full brother of Knox in falsehood.” And for this reason, that Mary, a few hours before, had actually abandoned Bothwell, whom she refuses, according to this conference, to abandon for a husband.

⁶⁷ Hume and Robertson suspect that the letter is a mistake of Melvil’s, since it was neither mentioned to Throckmorton, nor produced in England. Murray, however, in his answer at York, alludes to her intelligence with Bothwell and his fautors. Anderson, iv. 67. But the casket, discovered a few days after, was the only evidence produced in England, and the proofs contained in it of adultery and murder, to which the confederates directed, or confined their charges, were sufficient there, and in the negotiations with Throckmorton, to supersede any subordinate proofs of her affection for Bothwell. But Melvil, who repeats the contents of the letter twice, is too particular to be mistaken. It was shewn to

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Sir Nicholas Throckmorton arrived from England to effect an accommodation, the confederates uniformly maintained that Mary was still unalterably attached to Bothwell, whom, in her present disposition, she was firmly resolved, if restored to liberty, to retain for her husband, and to strengthen, to the imminent danger of her son, and the certain destruction of the confederate lords⁶⁸. The assertions of her enemies are confirmed by Throckmorton, who perceived that the principal cause of her detention, and rigorous confinement

Grange, who was so much exasperated at the harsh treatment and removal of the queen to Lochleven, that but for the letter, he would have instantly left the confederates. On receiving a letter from Mary, lamenting her harsh usage and the breach of promise, he answered, that when he reproached the lords, "her letter to Bothwell, promising among many other fair and comfortable words, never to forget or abandon him, had stopped his mouth; marvelling that her majesty never considered that he could never be her lawful husband, though he had not been so hated for the murder of the king; therefore requesting her majesty to put him clean out of mind," &c. "It contained," says Melvil, "many other loving and humble admonitions, which made her bitterly to weep, for she could not do that so hastily which process of time might have accomplished." Melvil, 84. From her secret correspondence with Throckmorton, she had undoubtedly the means of undeceiving Grange, had the letter been forged; but Melvil considers her attachment to Bothwell as deep-rooted, and to be surmounted only by time.

⁶⁸ Keith, 419-49.

was, “ because that the queen will not by any
“ means be induced to lend her authority to pro-
“ secute the murder, nor will not consent by any
“ persuasion to abandon the Lord Bothwell for
“ her husband, but avoweth constantly, that she
“ will live and die with him ; and saith, that if it
“ were put to her choice, to relinquish her crown
“ and kingdom or the Lord Bothwell, she would
“ leave her crown and kingdom to go as a simple
“ damsel with him, and that she will never con-
“ sent that he shall fare worse, or have more
“ harm than herself.” In his next dispatch, he
observes, that “ she had yielded in words to the
“ prosecution of the murder ; but will by no
“ means yield to abandon Bothwell for her hus-
“ band, nor relinquish him ;” and having endea-
voured to persuade her, by a secret correspon-
dence, to acquiesce in a divorce, she returned for
answer, that she would rather die than consent
to that ; pretending that she was seven weeks gone
with child⁶⁹. Murray, in their subsequent interview
at Lochleven castle, accused the queen of per-
sisting in her excessive attachment to Bothwell.
He renewed the same accusation at York ; that
she was required, when conveyed to Edinburgh
from Carberry hill, to concur in the punishment
of Bothwell and his associates for the murder
of the king, and in the dissolution of the marriage

⁶⁹ Robertson, ii. 447-51.

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for the vindication of her own honour, and for the security of her son; “but no other answer “could be obtained but rigorous menaces on “the one part, avowing to be revenged on all “them that had shewen themselves in that “cause, and on the other part offering to leave “the realme, and all, so she might be suffered “to possess the murderer of her husband.” The reply which she made to this charge, is a feeble and evasive admission of its truth; “that “it was no wonder, when rigorously treated, “if she gave them quick and sharp answers; “but that she was always content to leave “whatever was alleged by them, to be re- “formed by the whole nobility and estates in “her presence, which was utterly refused, and “made no offer to quit the realm for the pos- “session of Bothwell.” She neither denies her attachment to Bothwell, nor her menaces against his enemies, nor her refusal to consent to his punishment or to her own divorce, but merely that no formal and public offer was ever made by herself to quit the kingdom for his sake⁷⁰. That instead of refusing to abandon, she had already abandoned Bothwell, when she sent him away from the field for the preservation of his life, is a mere quibble upon the word *abandon*⁷¹. From

⁷⁰ Anderson, iv. 66. 84. Goodall, ii. 145—65.

⁷¹ Whitaker, i. 274. See Appendix, No. X. where it ap-

the passages already quoted, it sufficiently appears that the first cause of her removal, and of her severe confinement to Lochleven Castle, was her obstinate attachment to Bothwell, whom instead of refusing to abandon, or in other words, to renounce as her husband, and to subject to the just punishment of his crimes, she was fully determined to recall from the north on the first favourable opportunity that occurred⁷². Had she been innocent herself, and ignorant of the real author of the death of her husband, the supposed rape upon her person must have fixed her suspicions instantaneously upon Bothwell. Her soul would have recoiled from a marriage purchased by the murder of her former husband, and had she suffered any real violence from Bothwell, her nuptials must have appeared the very consummation of his crimes. Or, if entangled, whether by force or fraud, in a hateful marriage, she must have rejoiced, if innocent, in an oppor-

pears from Beton's letter to his brother, the archbishop, that "the queen having persuaded Bothwell to loup on horse-back, and ryd his way, and he being rydden, as thay supposit, twa myles or mair, her Majestie offerit to render herself," &c.

⁷² Bothwell was then at Spinie, with his uncle the Bishop of Murray. Had the queen joined him, or escaped from Lochleven, the Hamiltons, the Gordons, and his other friends who promoted the marriage, and were evidently more than a match for the confederates, would have restored him to power.

tunity to extricate herself from the embraces of a murderer, and to dissolve an infamous alliance, by avenging her own honour, and her husband's blood. But her ardent and inordinate attachment to Bothwell, continued evidently to the last: and as it could not originate after the seizure and pretended rape, we must conclude that the same criminal passion had uniformly subsisted from a period long prior to the death of her husband⁷³.

Conclusion

12. It appears then from the preceding deductions, that our former conclusion concerning the guilt of Mary, is confirmed by each successive circumstance, subsequent as well as antecedent, and conducive to the murder of Darnley. She was conscious, and as appears from her letter to Archbishop Beton, was fully aware of the imperious obligation to discover the murderers, and avenge his death; but all inquiry into the crime was suspended, and the fate of her husband was consigned at once to the most profound oblivion. 2. Her supine inattention to his memory, and indifference to his fate, cannot be imputed to any imbecility of judgment, or habitual submission to the will of others; but if innocent herself, she must unavoidably have suspected some one, and her suspicions must necessarily have been fixed upon Bothwell. 3. Instead of distrusting, or even affecting to distrust him, she invested him

⁷³ See Appendix, No. XII.

five days after the murder with an important grant, and when apprised of the vehement, undisguised suspicions which prevailed at home and abroad, both of his guilt, and of her own connivance, she at first endeavoured, by the most evasive answers, to avoid an inquiry, refused to arrest and commit him to custody, or to remove him from her presence when he was accused by Lennox; but procured for him the command of the castle and city by the surrender of her son, and then granted a collusive trial, when it could no longer be refused, at a privy council where the criminal was himself permitted to assist in her presence, and to direct the proceedings for his own acquittal. 4. No woman who felt the least regard for her own character, would have suffered a person publicly accused of the murder of her husband to approach her person, much less to share in her counsels, authority and favour. But Mary had been sufficiently admonished by Archbishop Beton, by Lennox and by Elizabeth, of the conduct which she ought to adopt as a wife, and as a sovereign: In opposition, however, to their earnest remonstrances and solemn exhortations not to spare the criminals nor to connive at their escape, but by a severe and exemplary vengeance, to vindicate her own innocence from the reproaches of Europe; she hurried over a collusive trial, conducted by Bothwell himself with an armed force, before his accuser could have collect-

ed evidence, or even friends for his own preservation. 5. Contrasted with the rigorous and speedy prosecution of the murderers of Rizio, such an acquittal, the result of a trial at which the accuser durst not appear in person, as it could not possibly have persuaded Mary of Bothwell's innocence, leaves no room to doubt of her intentions, and secret motives, when two days afterwards, she selected the chief murderer of her husband for the most distinguished honours and rewards in parliament, and instead of instituting a public investigation, passed an act to suppress all evidence whatsoever of the crime. 6. The bond, recommending Bothwell for a husband, and attesting his innocence, could not have escaped her observation at the time ; nor was it procured from the nobility and bishops without her knowledge and consent. 7. The whole plan of her journey to Stirling, and the seizure and conveyance of her person to Dunbar, was concerted with Bothwell, whose divorce, the consideration for which Huntley was restored in parliament, must have been conducted, both in the popish and protestant courts, with her special approbation, and whose flagitious nuptials were promoted and attended by her friends alone. 8. In these circumstances, her marriage, under the thin pretext of a fictitious rape, with a man so scandalously and so recently divorced from his wife, not a month after his collusive acquittal for the

murder of her husband, is in fact, equivalent to a full and open avowal of her guilt, and illustrates every doubtful circumstance in her former conduct. The supposed rape, which, if real, must have confirmed every former suspicion, and have excited indignation, hatred, and the utmost abhorrence, would have deterred her from a marriage with the only person of rank or eminence, accused or suspected as the murderer of her husband, and the marriage itself, after such an outrage, must, in her eyes at least, have appeared a voluntary participation in his crimes. 10. If guiltless herself, she must have rejoiced at the first opportunity to escape from his arms, and by inflicting the most rigorous punishment on his head, to dissolve an infamous marriage, and to avenge at once her own honour and the death of her husband. 11. On the contrary, she retained her former attachment to Bothwell, which continued with the same violence even after their separation; and an attachment so ardent and inordinate, as it cannot be imputed to a sudden passion for a man whom she had known so long, much less to the pretended rape upon her person, must have subsisted previous to the death of her former husband, and is to be received as the cause from which all her crimes and misfortunes originated. 12. In opposition to these conclusions, her former benignity and good conduct, of which, however, there is no evidence, are utterly insufficient

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to exempt her from the imputation of adultery and murder, and may be answered decisively, to use the words of Hume, “ a woman who, in a “ critical and dangerous moment, had sacrificed “ her honour to a man of abandoned principles, “ might thenceforth be led blindfold by him to “ the commission of the most enormous crimes, “ and was in reality no longer at her own disposal; and as it appeared that she was not afterwards restrained either by shame or prudence “ from incurring the highest reproach and danger, “ it was not likely that a sense of duty or humanity would have a more powerful influence “ over her⁷⁴.”

⁷⁴ Hume, v. 417. From whom some other important remarks are derived.

CHAPTER III.

The Conferences at York and Westminster.

FROM the moral evidence which the conduct of Mary affords, of her secret concern in the murder of her husband, her apologists are careful to avert their eyes. They quibble concerning particular facts, but are afraid to contemplate the whole in succession; and under whatever name their Examinations, Inquiries, and Vindications are published, they begin invariably at the middle, with verbal and minute criticisms on the letters, with partial observations on detached passages of the conferences in England, of which they never venture to trace and state the entire result. A minute and patient investigation therefore of the progress of the conferences at York and Westminster, from their first origin to their final termination, is still necessary to confirm or to confute the conclusions we have already deduced.

1. On the 20th of June, Dalglish, a servant sent by Bothwell to Sir James Balfour, for a box of papers in the castle of Edinburgh, was intercepted by Morton, before his return to Dunbar. The box, which Bothwell had received from

Discovery
of the let-
ters.
June 20.

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Mary, on the death of her husband, was a silver casket, about a foot in length, gilt and marked with the crown and initials of her first husband, Francis II., to whom it had belonged. It contained her letters from Glasgow, Stirling, Linlithgow, and the Kirk of Field; a series of twelve sonnets, and two contracts of marriage: all written, except the last contract at Seton, in her own hand. These important documents were preserved by Bothwell, both as pledges of her affection, and as proofs of her assent to the murder and seizure¹; and the casket must have been lodged among his other papers in Edinburgh Castle, when he conducted the queen thither on their return from Dunbar². On his removal to

¹ Tytler asserts that no sufficient reason can be assigned for Bothwell's keeping, instead of destroying, such dangerous letters, i. 78. Lord Hailes, in a marginal note on Tytler's inquiry, assigns three sufficient reasons; the care of vindicating himself; the desire of preventing the queen from drawing back; and the vanity of having received such letters, from the finest woman in the world. But the true reason for the preservation of the letters, has been assigned by Buchanan, above two hundred years ago. Bothwellius, qui reginæ inconstantiam nossit, ut cujus intra paucos annos plurima viderat exempla, literas conservarat, ut siquid dissidii cum ea incidisset, illo testimonio uteretur, nec se regiæ cædis auctorem, sed comitem fuisse, ostenderet. Hist. lib. xviii. p. 364.

² It appears that Bothwell actually kept his papers in the castle, in a green velvet desk, wherein the casket was no doubt deposited; and where Balfour very probably found

the palace before the marriage, and on his departure afterwards to Borthwick Castle, he had no apprehension of his future misfortunes; the interval between the approach of the lords, and his flight from Carberry Hill, was too busy for the casket even to occur to his mind; and the fidelity of Balfour, his deputy, by whose connivance it was intercepted, was not as yet suspected, when he sent his chamberlain not to destroy, but to recover those letters that were so essential for his vindication³. But at first the dis-

the bond of the nobility, and the bond devised by himself for the murder of Darnley. Robertson, ii. 506. Cotton Library, Caligula, C. 6. fol. 1—4.

³ The objections of Stuart, (Hist. i. 356.) and Whitaker, (i. 224.) that Bothwell would neither have lodged the letters in the castle, when he himself had been refused admittance into it, upon his flight from Edinburgh, nor have sent for them after his escape from Carberry hill, when Balfour had openly declared against him, are refuted by the plain explanation already given; viz. that Bothwell did not fly from Edinburgh when he went to Borthwick, and that Balfour had neither refused to admit him into the castle, nor declared against him when he sent for the casket. The letters were evidently sent for, not to be destroyed, but to be preserved for his vindication to the confederate lords. Calderwood, who adopts Buchanan's account, asserts, apparently from some older MS. that Hepburn, Parson of Auldhamstocks, was the person sent for the casket. Calderwood, ii. 53. From this I conclude, that Hepburn, his confidential *procurator* in the divorce, was sent to recover the letters, and to treat, perhaps, with the confederates, and that Dalgleish, a

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covery perplexed the confederate lords, Morton and Lethington were both privy, Balfour and Lethington had been accessory to the murder; and we may be sure that they would not reveal the discovery until the contents of the casket were carefully examined. The confederates had been joined by no one; but were opposed by a powerful combination of nobles, whom they were anxious to conciliate for their own security⁴. The French court was sufficiently inclined to support the queen; and Elizabeth interposed avowedly for her relief. Without either external aid, or domestic support, they were careful not to exasperate her friends by divulging the letters; but their first design, to keep her confined for a time, till divorced from Bothwell, was altered by those indisputable proofs which they had discovered of her guilt. Throckmorton, soon after his arrival (July 12th), perceived that she was in great fear of her life, and was inclined to retire to a nunnery in France,

servant, was merely employed to enter the castle, and to convey them to Hepburn, in the neighbourhood of Edinburgh.

⁴ "All which time," (when she was put in Lochleven) says Lethington, "we hoped that all men should have assisted to revenge the king's murder, but never one more came to us, nor we were at Carberry hill; on the contrary, Lord Huntley and many others, rose up against us, so that they were the greater party than we." Conference with Lethington, 1571. Calderwood, MS. ii. 245.

or to the old dowager of Guise, her grandmother. On the 19th, he observes, that while Lethington alone was desirous that she should be restored conditionally, to her former state, on her divorce from Bothwell, some proposed that she should resign the crown, and abjure the realm; others professed to prosecute justice against her, and on her condemnation to crown her son, and to confine her during the remainder of her life; others again, were willing to deprive her, by a judicial trial and sentence, both of her crown and life. It was not difficult to incorporate these designs; and Throckmorton discovered on the 21st, by certain intelligence, that the confederates had resolved to celebrate the coronation of the young prince, with the queen's consent, if it could be obtained, on condition not to touch her life or honour, nor to institute any judicial process against her; otherwise, they were determined, in the event of her refusal, to proceed against her publicly, by manifestation of such evidence as they had obtained of her guilt⁵. According to his subsequent letters, Lord

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III.

1567.

July 19.

Employed
to extort a
resignation
of the
crown.

⁵ Throckmorton's Letters, July 16th; See Appendix, No. XIII. and July 19th, Keith, 420. He had written the day before, that "altho' the lords and counsellors speak reverently, mildly and charitably of the queen, so as I cannot gather from their speech any intention to cruelty or violence, yet I do find by intelligence that the queen is in very great

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III.1567.
July 24.

Lindsay, accompanied by Sir Robert Melvil, was dispatched on the 24th, to intimate, that the lords, considering her former misbehaviour, would submit the government no longer to her misrule; and to exhort her to a peaceable resignation of the crown, in which case, “they would endeavour themselves to save both her life and honour, *both which otherwise stood in great danger*.” Melvil informs us, that they sent Lord Lindsay, “first to use fair persuasion, and if that failed, they were resolved to enter into *harder terms* ;” that Athol, Mar, Lethington, Grange and Throckmorton, employed his brother to “tell her the *verity* ; and how that any thing she did in prison could not prejudice her when restored to liberty, but that she refused to yield, till informed of Lord Lindsay’s arrival in a boasting humour,” when she agreed to execute two deeds

peril of her life, by reason that the people assembled at this convention do mind vehemently the destruction of her. It is a public speech among all the people, and among all the states (saving the counsellors), that the queen hath no more liberty nor privilege to commit murder nor adultery, than any other private person, neither by God’s laws, nor by the laws of the realm.” July 18th. Robertson, ii. 453. His letter of the 19th assures us that her great peril was that of a judicial trial; and Elizabeth afterwards professed, that her interposition at this period had preserved Mary’s life. Robertson, i. 445. Cotton Library, Caligula, C. 9. fol. 4.

⁶ Keith, 424.

for the appointment of a regency, and for the resignation of the crown⁷. The Historie of James the Sext, assures us “that shoe nather
 “could, nor durst refuse, for the messenger was
 “commandit, in case shoe had refusit, to denunce *punishment and death unto hir* for the
 “*murder of hir lawful husband King Henry.*”
 In conformity with these authorities, Throckmorton informs us that the assembly of the church required the murder to be severely punished without respect to persons, according to the practice of the realm, and the laws of God and of nations ; and he perceived, that if the confederates could not by fair means induce the queen to assent, they meant to charge her with the violation of the common and statute laws, adultery with Bothwell, and with the murder of her husband, “of which, as they said, they had
 “*sufficient evidence under her hand*⁸.” From the whole tenor of Throckmorton’s dispatches, it is evident that she was exposed to no danger but that of a judicial trial, in which her letters would be produced as the proofs of her guilt ; and her friends had no reason to apprehend, that the confederates would incur the public abhorrence, and the united vengeance of France and England, by an assassination worse than that of which they accused the queen. The *harder terms*

CHAP.
 III.
 1567.

⁷ Melvil, 85.

⁸ Keith, 426.

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III.

1567.

into which they were otherwise resolved to enter, and the punishment which their messenger was enjoined to denounce, *for the murder of her husband*, must refer therefore to the same judicial investigation; the *verity* which Melvil's brother was employed to explain, must imply the danger attending her life and honour if the casket were produced; and the uniform silence of two contemporary memoirs concerning the letters, of which Melvil and the author of the History of James VI. could not possibly be ignorant, when they were produced and published, indicates clearly that these writers were unable to disavow the authenticity of the letters, and chose rather to conceal them entirely, than to pronounce them genuine⁹. The consideration which the con-

⁹ Not a syllable concerning the letters is to be found either in Melvil or in the History of James VI. Yet Melvil attended the whole conference; enjoyed the regent's peculiar confidence; was entrusted with his secret communications with Norfolk, and gives a ludicrous, and, as we know, a false account of the manner in which the accusation against Mary was produced at Westminster; after which we hear no more of the conference; and the production of the letters to verify the accusation, is studiously concealed. Melvil, 96. The accusation itself is represented as Elizabeth's sole object, and alone sufficient to dishonour Mary, whom Melvil tacitly considered as guilty, when he concealed her refusal to answer the charge. At first I suspected that this part of his memoirs had been suppressed by the editor. But the History of James VI. gives an accurate abstract of the conferences at York; abridges with sufficient precision the queen's com-

federates offered for her resignation of the crown, “ that they would endeavour themselves to save “ both her life and honour, both which otherwise “ stood in great danger,” accounts in a satisfactory manner for their silence afterwards concerning the casket ; and as Mary had no danger to apprehend, except from a judicial investigation, nothing less than her letters, containing the proofs of her guilt, could have induced her thus to resign the crown.

2. About a fortnight after the coronation of the young king, the Earl of Murray returned to Scotland, and before his acceptance of the regency, he went with Athol and Morton to visit the queen in Lochleven castle. A part of the confederates were afraid that he might be inclined to concur in her release at some subsequent period ; others, among whom were Mar, Athol, Lethington, Tullibardine, and Grange, advised him to treat her with respect and tenderness, as

plaint against Murray and Morton, their answer and her reply ; explains the removal of the conference to Westminster, and then maintains an inviolable silence, to conceal the accusation, and the proofs of her guilt. Melvil, and the author of this History, could not possibly be ignorant of the letters, especially when published and annexed to Buchanan’s Detection ; and their cautious silence, at that critical part of the conferences, when the letters or the accusation were produced against Mary, is a convincing proof that they were careful not to mention the letters, in order to conceal, if possible, what they could not disown.

her judgment, no longer influenced by evil company, had already begun to repent of many things, and the time might come when he would wish to restore her again to power¹⁰. His motives, therefore, for this visit, which have never been understood, were to examine her present disposition in person, that his future conduct might be regulated by the result of his own observations; to produce, perhaps, a reformation in her mind by his salutary remonstrances; and finally to procure her personal consent to his acceptance of the government. At their first interview, before supper, she was dissatisfied with his reserve, from which she could draw no presage of his opinions or designs. At the second interview, which continued till midnight, he disclosed, apparently at her own request, his opinion of her misconduct; “laid before her all such disorders
“ as might touch her conscience, her honour, or
“ safety; and while he behaved like a ghostly
“ confessor, sometimes she wept bitterly, some-
“ times she acknowledged her unadvised mis-
“ conduct; some things she did plainly confess,
“ some things excuse, and some extenuate,” and he left her that night to the mercy of God, as her chief resource. At their next interview in the morning, he consoled her with a conditional assurance of her life, and “as much as in him lay,
“ the preservation of her honour; for her liberty,

¹⁰ Melvil, 87.

“ which lay not in his power, it was neither good
“ to seek, nor at that time to obtain it;” and at
his departure she embraced him, and requested
him to assume the regency for the preservation
both of herself and her son¹¹. From this imperfect
report of the conference, the conditional assurance
of life which he gave to the queen, but which
depended not upon him alone, “ as the lords and
“ others had an interest in the matter,” can refer
only to a judicial trial if she attempted to disturb
the government, or retained her inordinate at-
tachment to Bothwell; and his farther assurance
for the preservation of her honour, as much as in
him lay, can relate to nothing else than the letters
in Morton’s custody, which the confederates re-
tained, and which they intended to produce, if
necessary, for their own vindication. Their silence
concerning the casket is sufficiently explained;
since the letters which at first they were afraid
to divulge, lest it should preclude all terms of
accommodation with her friends, were afterwards
employed to extort a resignation of the crown, as
the tacit consideration for which they were con-
cealed. The discovery of the casket was there-
fore omitted in Dalglish’s Examination, whose
evidence was strictly confined to the murder;
and as there were no minutes of council taken
till a later period, no mention of the letters could

¹¹ Keith, 445-6.

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occur in its records, till an act of council was pronounced upon the subject¹². In the same manner, Huntley's concern in the murder, as we discover from a letter to Throckmorton, was suppressed in the deposition of Hay of Talla (September 13th), as that powerful nobleman was then on terms of submission to the regent¹³. Argyle, Boyd, Livingston, and Killwinning, had acknowledged the young king, and the regent's autho-

¹² Whitaker repeatedly objects, that in the minutes of council on the 21st and 27th of June, not a word is said of the letters, which are not mentioned till the 4th of December. Whitaker, i. 248. He should have known that no minutes of council were kept, till the next century, and that the acts of council, like those of parliament, are expressly confined to the subjects upon which they are pronounced.

¹³ "This day the Erll of Argill, the Lordis Boyd, Lewistoun and Kelwonyng, are partit of this towne, and weill agreit with my L. Regent, promisyng to serve the kyng and aknowledge hym as regent, and all the Hameltouns and the Lord Herys hes sent the lyke offers, and the Erle of Huntlie is seeking all the meenys he cane to haif his dress, bot the Lard of Tallaw quho is apprehendit dois blot the said erle with the murder; quhat forder order beis takkyne with him I am presentlie uncertane." R. Melvil's letter to Throckmorton, Edinburgh, September 14th, 1567. M. Crawford's MS. The letter is written the day after Hay's examination; but Huntley's share in the murder, and the letters, which it was not then intended to divulge, were suppressed in the Depositions of Hay and Dalgleish, for the same reason, because their depositions were taken as evidence to be produced judicially against themselves.

city: Herreis and all the Hamiltons had offered to submit; and it was dangerous to prosecute, on a single evidence, a chieftain with whom they might still confederate. Their submission was accepted, and to confirm the authority of the new government, a parliament was then held by the regent (December 15th), at which the lords of each party were present, and the sword and sceptre were borne by Huntley and Argyle¹⁴.

The confederates were solicitous for a legal confirmation of their late transactions. An act of council, after long deliberation, had been lately framed (December 4th), declaring that they could find no other means for their vindication, than to reveal the whole truth from the beginning, into which, as it was dishonourable to the queen, their sovereign's mother, they were loath to enter, till compelled for their security; and desiring the parliament to find that their late proceedings were in the queen's "awin default, in as far as, be
 " divers her previe letters, *written and subscrivit*
 " *with hir awin hand*, and sent be hir to James
 " Earl of Bothwell, as well befor themurder as
 " thereafter, and by hir ungodlie and dishonour-
 " able proceeding in a *priveit* marriage with him
 " soddanlie and unprovisitlie thereafter, it is maist
 " certain that she was previe, airt and pairt, of

The letters
produced in
the privy
council,

¹⁴ Anderson, ii. 228. Birrell's Diary, 13. Spottiswood, 214.

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and in
parliament.

“ the actual devise and deid of the murder of the
 “ king hir lawful husband¹⁵.” An act of par-
 liament was accordingly passed, declaring, nearly
 in the same terms, that the conduct of the confe-
 derates, in taking arms, and in the detention of the
 queen’s person, was by her own default; “ in as
 “ far as by diverse her previe letters, *written*
 “ *halelie with hir awin hand*, and sent be hir
 “ to James, sometyme Earl of Bothwell, as weill
 “ befoir the murther, as thereafter, and be hir un-
 “ godlie and dishonourable proceeding to ane
 “ *pretendit* marriage with him, suddenly and un-
 “ provisatly thereafter, it is maist certaine that she
 “ was previe, airt and pairt of the actual devise
 “ and deid of the murthour of the king, hir
 “ lawchful husband¹⁶.” From this difference

¹⁵ Haynes, 454. Goodall, ii. 62. This passage has been perverted to a different sense, viz. that her letters to Bothwell were the cause of taking arms, and the detention of her person, which, as the letters were not then discovered, was absolutely false. Tytler, i. 86. Stuart, i. 561. The meaning is obvious, that the occasion of their taking arms, and the detention of her person, were in her own default, in as far as it was most certain, both from her correspondence and marriage with Bothwell, that she was accessory to the murder of her late husband: in other words, that she could not accuse their rising as rebellious, when their proceedings were justified by her own crimes, as was manifest both from her letters and marriage. Haile’s Notes on Tytler, MS.

¹⁶ Goodall, ii. 66. Anderson, ii. 220. Keith, Appendix, 152.

between the acts of council and of parliament, of which Hume enables us to give a just explanation, much despicable quibbling has been employed to prove that the letters were either fabricated in the interval between the two acts, or were originally forged with the queen's signature, which was afterwards withdrawn¹⁷. But the casket, whether its contents were authentic or not, was undoubtedly produced in the privy council¹⁸: and as every legal and conventional writing was termed a letter, her letters, sonnets, and marriage contracts which were all secret, were indiscriminately styled her *privie letters*¹⁹. As the letters, sonnets, and first

¹⁷ Goodall, i. 43. Tytler, i. 87. Guthrie, vii. 97. Stuart, i. 371. Whit. i. 381.

¹⁸ Even this is denied by Guthrie, who as he cannot find the actual production of the letters specified in the act, concludes that the privy council took the matter for granted, vii. 90. Neither is the production of the letters specified in the act of parliament; yet we know that they were exhibited there, not only from Murray's information, but from the reluctant confession of Mary's friends, and we have no reason to suppose that they were not exhibited in the same manner in the privy council, where, after many days deliberation, the act of parliament was first framed. Nothing can be more captious and pedantic than to demand precision of language, or correctness of judicial procedure, from an age and nation accustomed to neither.

¹⁹ Letters of horning, caption, lawburrows, intercommuning, letters of slains, fire and sword, &c. were judicial writs; letters of tack, pension, &c. were conventional writs, in the form of letters. Tytler and Whitaker suppose, that her privy

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contract in French, were written, and the second only was subscribed by the queen, they were undoubtedly described as “*divers her previe letters, written or subscribed with her own hand;*” but this clause, in the copy found by Haynes among the Cecil papers, has been converted, by a natural mistake of the pen or of the press, into “*written and subscribed with her own hand*”²⁰. In Murray’s receipt for the box and letters, when carried to England, they are described as “*ane silver box, ower gilt with gold, with all missive letteris, contractis, or obligatiounis for marriage, sonnettis or luif-ballettis, and all utheris letteris containit thairin, send and past betwix the queen and Bothwell;*” in Morton’s receipt (1570-1) as “*an silver box ower gilt with gold, with the missive letteris, contractis or obligatiounis for marriage, sonnettis or luif-ballettis, and utheris letteris thair in containit to the number of XXI, send and past betwix the queen and Bothwell*”²¹;” from which it appears, that according to the language of the age, not only the *missives* that were sent, but the sonnets and the contracts that had passed between them, were

letters can relate only to her missive letters, as if the contracts, and sonnets, when included, as they are in the receipts, under the denomination of letters, were not equally private. Tytler, i. 90. Whit. i. 382-8.

²⁰ See Appendix, No. XIV.

²¹ Goodall, ii. 91. Anderson, ii. 257.

comprehended under the general denomination of letters. In Murray's declaration at Westminster that the letters were genuine, not only the act of council is explained, but the clause in question is literally transcribed. "Quhairas we haif producit diverse missive letteris, sonnettis, obligatiounis, or contractis for marriage betwix the queen and Bothwell as *writtin* or *subscrivit* be hir hand, and we be the tenour heirof, testifies, avoweis and affirms that the saidis hail missive writings, sonnettis, obligatiounis, or contracts are undoubtedly the said queen's *proper hand write*; except the contract in Scottis of the dait at Seitown the 5th day of April 1567, written be the Earl of Huntlie, quhilkes also we understand and perfectly knawes to be *subscrivit* be hir²²." Here the distinction between the letters that were written, and the contract that was only subscribed by her hand, is precisely explained: and from these passages it appears that in the original act of council, her missive letters, sonnets and contracts were styled indiscriminately her letters,

²² Id. 259. Goodall, ii. 92. In the same manner, in the letter which Goodall ascribes to Cecil, on the publication of Buchanan's Detection, "The very casket was here shewn, and the letters and other monuments opened and exhibited; and so much as is there said to be written or subscribed by the said Lady Mary, the Earl of Bothwell, or others, hath been testified to be written *and* subscribed as is there alledged." Goodall, ii. 379. Anderson, ii. 265.

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and as they were all secret, “her previe letters, “written *or* subscribed with her own hand.” The whole casket was produced in the privy council, and attested, among many others, by Grange, whose heroic attachment to Mary never would have suffered him to promote the deceit. But in parliament, the whole casket was not produced. The Scotch contract at Seton was undoubtedly withheld, for this substantial reason, that it was written by Huntley, one of the lords of Articles, and when his peace was already made with the regent, the contract never could have passed through the committee of Articles, for the obvious purpose of his impeachment in parliament. The letters, sonnets, and perhaps the first contract, were alone produced, and are therefore properly described in the act, by the clerk of parliament, as *written halelie* with her awin hand. The letters at least were confessedly produced in parliament²³, where Argyle, Huntley, and his uncle, the Bishop of Galloway, the Bishop of Murray, Bothwell’s uncle, and the Earl of Caithness, whose son was married to Bothwell’s sister, were lords of Articles, and where Herreis was present to defend the honour of the queen²⁴. But Argyle, Huntley, Herreis, and others, protested, according to their own account, not against the authenticity of the letters, but against the resignation of the

²³ Robertson, ii. 484. Goodall, ii. 360.

²⁴ Anderson, ii. 228.

crown; that it should be deemed invalid if extorted from the queen without her free consent. That a bond was signed to deprive her of life, if they opposed the act, is a vain, and obviously a false pretext²⁵. No such bond was ever known, or even supposed to exist, and as her sole danger arose from a judicial investigation, to disprove the evidence was the surest method to preserve her life. But instead of attempting to disprove the letters, Huntley, Argyle, and Herreis protested, that no blame should be imputed to them for their past conduct in opposition to the king, and when they received a pardon in public from the regent²⁶, we can only conclude that those letters must have been genuine which passed the Articles, and, on being produced in parliament, were approved and confirmed as authentic, without opposition from her friends.

3. On her escape next year from Lochleven castle, and the defeat of her friends at the battle of Langside, she sought an asylum in England, and was conducted to Carlyle with every mark of external respect. Her first request on her arrival

Origin and
object of
the confer-
ences in
England.
1568.

May 17.

²⁵ Goodall, ii. 362. The bond, with the act of parliament concerning Bothwell's acquittal and marriage, must be classed among the many fictions in the instructions from the lords and abbots of Mary's party. They mention none who subscribed, or refused to subscribe it, and never once ventured to mention it at York or Westminster.

²⁶ Anderson, iv. 153. See Appendix, No. XV.

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was to obtain admission to Elizabeth's presence, and sufficient aid against her rebellious subjects, to restore her to her throne. From the presence of an artful, intriguing rival, who had once challenged, and in the opinion of a numerous party, possessed an indisputable title to the crown, the situation of Elizabeth was certainly embarrassing in the extreme; and it was equally dangerous to permit Mary to pass into France, or to return into Scotland, where the arrival of foreign succours might renew her pretensions to the throne of England. Two modes of procedure remained; but it is sufficient for my purpose to explain, and unnecessary to vindicate, the various motives of Elizabeth's conduct. The reader will be able in the sequel to determine for himself, whether, or to what extent, she was actuated by a malignant animosity towards her former rival, or by a sincere resolution to restore her, if innocent, or guilty merely of culpable indiscretions, to her throne or kingdom; but if manifestly guilty of her husband's murder, to seclude her person for ever from the world; and in either case, to prevent the introduction of a foreign force into Britain, and the renewal of the former alliance between the Scots and the French²⁷. The private deliberations of Cecil uniformly proceed upon these suppositions: That it is neces-

²⁷ Anderson, iv. Part i. p. 40—2.

sary to procure and to declare to the Queen of Scots, the plain proofs of her concern in her husband's death, "to the end, if upon her answer thereunto, it shall appear that she is not culpable of that wherewith she has been charged, then, by her majesty's means and support, she may be restored, both to her honour and estate: But, if by her answer it shall not appear but that she is culpable, then her majesty may devise otherwise, how to cover the dishonour of the crime, and also to settle her in her realm, under such government as may preserve the same from the tyranny of the French, and continue the good accord betwixt the two realms."—"If her cause shall be heard, and duly examined, there must needs follow an acquittal of the Queen of Scots from the infamy, or a condemnation for the whole, or some part of the crimes imputed to her: If acquitted, then for the benefit she shall receive, good means may be devised to make an alliance betwixt both these realms: If her cause prove criminal, then either she is to be restored to her country with some sure limitations for the safety and succession of her son, and the maintenance of the regent and his party in Scotland; or else, according to the excess and quantity of the crime, she is to live in some convenient place, without possessing of her kingdom, where she may not

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“ move any new trouble²⁸.” In conformity with these deliberations, Lord Scroop and Sir Francis Knolles were dispatched to congratulate her on her arrival in England. They informed her that their mistress “ could not, without her own dishonour, admit her to her presence, by reason of the great slander of the murder whereof she was not yet purged ;” but assured her that their mistress “ would be the gladdest in the world to see her grace well purged of this crime, that thereby she might aid her fully and amply for her advancement to her government royal again²⁹.” The conditions, therefore, upon which alone she could expect assistance from Elizabeth, or access to her presence, were announced from the beginning ; but alarmed at those dangerous proposals of exculpation and inquiry, she renewed her application for admission and aid. A pointed and explicit answer was returned to Lord Herreis, whom she had sent to court : That considering the many notable crimes with which she was truly charged, prior and posterior to the king’s murder, to which she was commonly reputed accessory ; her contempt for her husband, and attachment to the man by whom he was afterwards murdered ; her protection of Bothwell, and neglect to prosecute or investigate the murder ; her

²⁸ Anderson, iv. Part i. p. 36—8.

²⁹ Id. 52—5—9.

punishment of those who accused him of the crime; her advancement of the chief murderer to new titles and estates, and in the end, her marriage with him while his wife was yet living;—the queen's majesty was perplexed how to act, and was unable, consistently with her own honour, to receive her at court; but that she would agree to do whatever could be devised to remove the very imputation of those crimes, whereby the queen of Scots might be admitted to her presence, and by the chastisement of her adversaries, be restored to her former estate and honour³⁰. According to Cecil's narrative, Herreis replied, "that although her principal desire was to have come into her majesty's presence, and to have present aid for her restitution, yet if that were not meet at present, and Elizabeth would take the understanding of her cause in hand, she would wholly commit the same to be ordered by her majesty; so that respect be had to his mistress' behalf, that she should (not) submit herself in manner of any judgment; nor that her subjects, whom she accounted traitors, *should come into the realm, to be heard as her accusers*; and required that Murray should be enjoined to suspend hostilities against her friends³¹." Elizabeth's reply deserves particular attention: "That she desired

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Mary's offer to submit her vindication to Elizabeth.

³⁰ Anderson, iv. Part i. p. 7—9.³¹ Id. 10.

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“ not of herself to deal in the cause of the crimes
“ imputed to the Scottish queen, but only wished
“ that some good means might be devised, that
“ her sister might be honourably acquitted there-
“ of; which if it might be, she should *be surely*
“ *restored* with all princely honour, and enabled
“ to chastise her rebels; and if it should not fall
“ out *so clearly to all purposes, as were to be*
“ *wished*, yet her majesty meant not so to deal
“ therein, as to animate, or give comfort to any
“ subjects to proceed against their sovereign, for
“ any cause that could be alledged, but would
“ do her best, *after the matter heard*, to com-
“ pound all difficulties without bloodshed, and
“ procure her quietness in her realm, and peace
“ among her subjects: And as to any form or
“ process, whereby her subjects should be re-
“ puted accusers, the queen’s majesty, so far
“ from that, meant rather to have such of them
“ as she (Mary) should name, called into the
“ realm, to be charged with such crimes as she
“ should object against them, and if any form of
“ judgment should be used, it should be against
“ them; and upon report made to her, by per-
“ sons of honour deputed for the purpose, of
“ what her subjects should answer for them-
“ selves, as it should please her to declare her
“ *mind and answer* to the queen’s majesty, so
“ would her majesty inform herself *how far*
“ *forth* she might understand the queen her

“ sister to be clear from the *crimes imputed*;
 “ or how, otherwise, if the *causes should prove*
 “ *doubtful*, to prefer the queen’s cause, and com-
 “ pound the whole to her best advantage and
 “ honour³².”

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Middlemore was immediately dispatched to June 10.
 Carlyle, with instructions to communicate the
 answer to Mary, and to procure a suspension of
 arms in Scotland. He informed her plainly,
 “ that being *taxed as she is of so horrible a*
 “ *crime* as the murdering of her husband, her
 “ majesty could not receive her before some
 “ justification; but since she had put herself
 “ into her majesty’s hand, and made her the
 “ only judge of her cause, her majesty would
 “ take both her and her cause into her protec-
 “ tion; yea, and if after trial made, *the justice*
 “ *of her cause would bear it*, she would so pro-
 “ secute her adversaries, as that she would com-
 “ pel them to do her right, and help to restore
 “ her to her honour, dignity, and govern-
 “ ment³³.” But the message was peculiarly
 unacceptable to Mary, who perceived that her
 subjects would, in effect, become her accusers,
 whatever forms were ostensibly employed. She
 declared with much passion, that she had no
 other judge but God: acknowledged that she
 had offered to make the queen her judge; but

14.

³² Anderson, iv. Part i. p. 11.³³ Id. 13. 83—8.

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meant to utter such things to her as she had never done, nor would to any; inveighed at Murray and his party as traitors, unworthy to appear as a party against her; “but,” said she, “if they will needs come, desire my good sister “the queen, to write that *Lethington* and *Morton*, who be two of the wisest and *most able* “*of them to say most against me*, may come, “and then to let me be there, in their presence, “face to face, to hear their accusations, and to “be heard how I can make my purgations; “but I think that *Lethington* would be very “*loath* of that commission.” She had already affirmed to Scroop and Knolles, that *Lethington* and *Morton* were assenting to the murder, although now they would seem to prosecute the same³⁴: but her silence concerning Murray, and her pointed selection of those two to be summoned into England, indicate that she was fully apprized of the particulars of their interview with Bothwell at Whittingham, and was well assured that they would not venture, at least in her presence, to accuse her of a murder to which they were privy themselves. She wrote immediately to Elizabeth, to retract her offer, desiring to be first restored to her throne, or permitted to depart elsewhere; promising to return in order to vindicate her innocence, when

Retracts
her offer.

³⁴ Anderson, iv. Part i. p. 55. 90.

reinstated in her kingdom ; and protesting, that she neither would, nor could, reply to the false accusations of her enemies, nor in form of a process against her subjects, in which, unless their hands were tied up, there was no equality between her and them, and to which, while she remained there, she would sooner die than submit³⁵. The privy council, before whom the letter was laid, determined that it was dishonourable to restore her without a previous trial and vindication of her conduct, and dangerous to permit her to repair to foreign courts for support. Upon Middlemore's return from Scotland, with Murray's consent to the arbitration of the Queen of England as umpire, Herreis agreed that the conferences should begin immediately in the north, in order to be finished if possible before the month of August. A few days afterwards, when the regent was already summoned, he declared that his mistress would make no answer whatsoever, to matters propounded by her own subjects, or to persons deputed as commissioners, but to the queen herself, concerning the crimes with which she was charged³⁶.

These passages are recited at greater length, because her apologists availing themselves of a few partial quotations from her Instructions to

³⁵ Anderson, iv. Part i. p. 97.

³⁶ Id. 18. 104.

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her Commissioners, have affirmed that whether she were innocent or guilty, the professed object of the conference, whatever its issue might be, was to restore her, unanointed and unannealed, to her throne³⁷. But the early deliberations of Cecil, the very first intimations from Scroop and Knolles, the pointed and explicit answer given to Herreis, Elizabeth's message, and the Discourse of Middlemore, afford a full demonstration that Mary could expect no assistance, nor liberty, till absolved from those crimes of which she was accused. She was assured, that if her innocence were fully vindicated, she should be restored with honour to her former rank, and her rebels chastised: that if the causes were doubtful, or if her innocence were not so clearly, and to all pur-

³⁷ Tytler, i. 102. Whitaker, i. 58. "That no doubt may remain" of Mary's veracity, or "of the validity of her evidence against Elizabeth," the latter produces this notable argument, "that she must be the only evidence of what she only can know, the *contents* of Elizabeth's letters to her:" Ibid. The letters themselves, however, are an addition to the many fictions interspersed through the controversy as matters of fact. Mary and Lesly have undoubtedly chosen to misrepresent the conference, as confined entirely to her restitution to the throne. But the conference could have no proper object, if she was to be restored at all events, whether innocent or guilty; and her boldest advocates will not venture to assert, that, on the supposition of the fact being fully proved, of her being notoriously guilty of the murder of her husband, she was entitled to be restored.

poses, established as could be wished, (or, in other words, if she were guilty of culpable indiscretions merely) she should be restored by an accommodation, as far as the justice of her cause would bear; and the conclusion was obvious and sufficiently understood, that if plainly guilty of her husband's murder, she had no aid to expect from Elizabeth against her disobedient subjects, nor any relief to obtain from the perpetual confinement due to her crimes. The first object, therefore, of the conference was, to vindicate her innocence, under the form of an accusation against her rebellious subjects, in order to restore her to the throne. She had already offered to commit her cause to Elizabeth's hands, and the intimation, that she meant to utter such things to the queen, as she had never done, nor would to any, can allude only to some secret, or supposed design of her husband's, not sufficient, even in her own opinion, to vindicate her innocence, but of a tendency perhaps to extenuate her guilt. But she receded from the proposal, as soon as her subjects were summoned to England: she refused to plead or to attest her innocence, unless their hands were tied up from accusation; and as Herreis also retracted his offer, the conference was deferred.

4. In submitting to the arbitration of Elizabeth, Murray, when required to justify the proceedings of the confederates, had transmitted a note by Middlemore, in which he observes, how danger-

Murray's
demands,
June 22.

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ous and prejudicial it would prove, to accuse the queen, his sovereign's mother, and "syne to enter "in qualification with her;" and if the accusation should proceed, he desires to know what might "follow thairupon in caise we preive all that we "allege: urtherwayis we sal be als incertaine "after the caus concludit, as we are presentlie. "Farther it may be that sic letteris as we haif of "the queene, that sufficientlie *in our opinion* "preives her consenting to the murthour of the "king hir husband, sal be callit in doubt by the "juges constitúte for the trial, quhether thay "may *stand or fall, pruif or not*; thairfor sen our "servant, Mr. Jhone Wode" (then at London) "hes the copies of the samen letteris, translatit "in our language, we wald earnestlie desyre that "thay may be considerit by the juges, that thay "may resolve *this far*, in caise the principal agree "with the copie, that then we pruif the caus in- "deed³⁸." This first intimation of a Scottish translation is important in the sequel; but by a strange misapprehension, or misrepresentation of the fact, Murray's demand is represented as an infamous proposal, to which Elizabeth acceded, that the letters should be held as authentic evidence of guilt, if they agreed with the copies, not if actually written in Mary's hand³⁹. - Murray,

³⁸ Goodall, ii. 75.³⁹ Stuart, i. 304-30, and more explicitly by Whitaker, i. 68. That the copies, desired to be laid before the judges, *when*

naturally anxious concerning the conference, was unwilling to accuse the queen, unless assured of the result, and for his own security demanded to know, 1. What consequence would ensue if his accusation should be fully proved? 2. Whether, on inspecting the copies then in England, if the originals corresponded with those translations, the letters would be sustained by judges, not as authentic, but according to the Scottish law, as *relevant*, or sufficient, if authenticated, to establish her guilt. “For quhen we haif manifestid and shawen all, and yet sall haif na assurance that it we send sall *satisfie for probatioun*, for quhat purpos sall we ather accuse, or take care *how to pruiif*, quhen we are not assurit *quhat to pruiif*, or when we haif preivit, *quhat sall succeed*.” The demand of a previous judgment upon the *relevancy* of the letters, whether they were sufficient, when produced as evidence, to substantiate the charge, is intelligible to every Scotsman; but Cecil’s answer corresponds with the former assurances to Mary; That her majesty never meant to promote an accusation, or to proceed to condemnation, but to hear their defence, and to compound all differences, nor allow therein any faults that might appear in the queen; and that no proofs would be

appointed, were actually delivered to Elizabeth, and remained for three months in her hands, is also a gratuitous assertion. Id. 77.

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Mary ac-
cedes to the
conference,

held sufficient, unless both parties were heard⁴⁰. The most artful policy was undoubtedly employed to induce the queen to adhere to her original offer. On her removal to Bolton, all chance of escape was precluded; and after an ineffectual application for her return to Scotland, Lord Herreis, on Elizabeth's assurance that she would endeavour to procure some peaceful and honourable conclusion without delay, agreed that the cause should be heard and determined by her majesty's appointment, as was at first intended. Elizabeth's message was carefully repeated by Herreis, in the presence of Scroop and Knolles, upon his return to Bolton; that if the queen would commit her cause to her highness' order, not as judge over her, but as her cousin and friend, she would surely restore her in this form again to her throne: first, she would summon her adversaries, for deposing their sovereign, and if they could allege some reason (as her highness thinks they cannot do), then she should be restored conditionally, that they might retain their honours, state, and dignities: secondly, if they could allege no reason for their proceedings, then the queen should be absolutely restored, and if necessary, by arms, upon condition of renouncing her alliance with France, and her claim to the crown

⁴⁰ Goodall, ii. 76-89. Anderson, iv. Part i. 107.

of England during Elizabeth's life⁴¹. Mary's answer was returned on the same day: That afraid, on account of false imputations, to entrust her cause to others, yet relying upon her sister's assurance, she was content that any two (commissioners) of sufficient rank should attend, whom her majesty might depute for such an important charge; that Murray, or Morton, or both, as principals to whom the cause was assigned against her, should attend as desired; that such order should be taken with them as to her majesty seemed good; but that they should use her as their queen, without prejudice to her honour, crown, estate, or right as Elizabeth's presumptive heir⁴². In this limited and reluctant consent, her reliance was placed, not only on Elizabeth's promise to support her cause, but upon the discretion of Morton, and on the gratitude and fraternal affection of Murray, to which she appealed in a letter intimating the many benefits which he had received at her hands, and her surprise, that, at a parliament recently held, he could find it in his heart to pursue her life⁴³. She expected, not

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June 28.

⁴¹ Anderson, iv. Part i. p. 23. 109. ⁴² Haynes, 467.

⁴³ Anderson, iv. 117. This parliament had been held on the 25th of June (Spottiswood, 217.), after Murray had been summoned by Middlemore, and by Elizabeth's letter, to answer for his conduct. Anderson, iv. 68. That he could find it in his heart to pursue her life in the parliament, must refer therefore to a resolution to accuse her in England.

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without reason, that they would not venture to accuse their sovereign, or if they did, she relied upon the prudent reservation of her rank and honour as a pretext to recede. But the professed object of the conference was still the same; namely, under the form of an accusation against her rebellious subjects, to vindicate her own innocence against their allegations, before she could be admitted to the presence of Elizabeth, or be restored to her throne. It was stipulated that she should be absolutely reinstated, if innocent, and if necessary by arms: or if some reason could be alleged by her subjects, (culpable indiscretion for instance, in her marriage with Bothwell) that she should be restored conditionally, by a mutual accommodation, and that no faults should be allowed in her conduct. The alternative, from different motives, was carefully avoided by the two queens. But the conference was expressly instituted to vindicate her innocence, not from faults or culpable indiscretions, but from the imputed guilt of adultery and murder; and the alternative, which was unavoidable, must have been tacitly understood by both, that if plainly guilty of her husband's murder, she had no claim upon Elizabeth for protection or relief.

Sept. 12.
receives
notice of
the intend-
ed accusa-
tion,

5. The lords and abbots of her party met at Dumbarton (September 12th), and appointed commissioners at her request for the conferences in England, with Instructions which have evi-

dently been framed by the Bishop of Ross⁴⁴. On the bishop's arrival at Bolton (September 18th), the queen, according to his subsequent Confession in the Tower, informed him of the object of the conferences at York; that Murray and his associates were summoned to answer for their unjust and unnatural proceedings against her; on acknowledging which they would be pardoned and received again into favour, and all differences between them should be compounded. She had no expectation then of being absolutely restored, in consequence of a complete vindication of her innocence; but the sagacious Lesly at once anticipated the result of the conference. He regretted that she had agreed to any conference wherein her adversaries were to be accused; assured her that they would utter all they could in their defence, though to her dishonour; wished earnestly to treat first for an accommodation, before entering into any accusation; and for that purpose advised her to employ her influence with her friends at court, or at York. She replied that there was no such danger, as she relied upon finding the judges favourable, especially as she was well assured of the good will of the Duke of Norfolk, with whom her marriage was already a topic of common report, and by whom his friend Sussex would be

⁴⁴ Goodall, ii. 351.

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and a copy
of the let-
ters.

ruled ; nor would Sadler, the third in the commission, withstand their advice : and that Northumberland, his lady, and the many friends whom she had in the country, would attend at York, and would persuade the duke to favour and promote her cause. Sir Robert Melvil arrived, in the interim, with letters from Lethington, intimating, “ That Murray was wholly bent
 “ to utter all he could against the queen, and to
 “ that effect had carried with him all the letters
 “ which he had to produce against her, for proof
 “ of the murder, whereof he,” Lethington, “ had
 “ recovered the copy, and had caused his wife to
 “ write them which he sent to the queen ;” and assuring her that he would not have come into England with Murray, unless to mitigate the rigours that were intended against her. As he requested particular instructions by Melvil how to serve her, she desired him to *stay those rigorous accusations*, and to prepossess the duke in her favour, by means of their former intimacy and friendship⁴⁵. According to the explanation given by Barram, the queen’s sergeant, upon Norfolk’s trial, Lethington “ stole the letters from Murray
 “ and kept them one night, howbeit the same
 “ were but copies translated out of French into
 “ Scotch, which when Lethington’s wife had
 “ written, he caused them to be sent to the Scot-

⁴⁵ Murdin, 52.

“tish queen⁴⁶.” She was therefore apprized of Murray’s resolution to accuse her of the murder, and had received from Lethington a copy of the letters, translated into Scotch. Her Instructions to her commissioners were framed according to these intimations, nearly in the same terms with those from her party in Scotland, and contained an obvious, and indeed the only defence which it

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⁴⁶ The queen’s sergeant adds, “that she laboured to translate them again into French, as near as she could to the original, wherein she wrote them; but that was not possible to do, but there was some variance of phrase; by which variance, as God would, the subtlety of that practice came to light.” State Trials, i. 92. This casual intimation of the purpose for which Lethington transmitted the copy to the queen, coincides with the Instructions of the lords and abbots, that there is “na plane mention maid in it, be the quhilks her hienes may be convict, albeit it were her grace’s hand writt as it is not, and als the same is cullit by themselves in some principal and substantious clauses.” These *substantious clauses*, were probably the notes, or special points extracted by the Scottish commissioners, (Anderson, iv. 71.) and the *subtlety of the practice* was undoubtedly this, that Lethington should privately substitute or produce the queen’s transcript instead of the originals, with the omission of those criminal passages which might then be opposed as interpolated in the translation. When the expedient was proposed in Scotland, Lesly inserted in the Instructions of the lords and abbots that the letters were *culled*, (or garbled) by her accusers themselves in certain substantious clauses; but when the expedient was found impracticable, he asserts indiscriminately, in the queen’s Instructions, that the letters were forged.

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was possible to make, that the letters were forged. But it is observable in her confidential Instructions to Lethington, that, instead of a plain disavowal of the letters, she entreats him to prevent or stop those rigorous accusations, and to conciliate the favour of the principal judge.

Conference
at York,
October 3.

6. The conferences began at York on the 3d of October. The commissioners for the Queen of England were, the Duke of Norfolk, the Earl of Surrey, Sir Ralph Sadler; for the Queen of Scots, the Lords Livingston, Boyd and Herreis, the Bishop of Ross, and the Abbot of Killwinning, Gordon of Lochinvar, and Cockburn of Skirling; for the king, her son, the Earls of Murray and Morton, Lord Lindsay, the Bishop of Orkney, and the Abbot, or Commendator of Dumfermline, with Lethington, Macgill, Balneaves, Buchanan, and others, as assistants; and as the nobility were unwilling to undertake an invidious and dangerous task, it is probable that the regent was attended only by those who durst not dispute his commands⁴⁷. The Instructions to Elizabeth's commissioners, though extremely artful, were strictly conformable to her former declarations. If the regent should still be afraid to accuse the queen, though possessed of sufficient evidence for that purpose, they were instructed to assure him, that if she proved to be plainly guilty of the mur-

⁴⁷ Buchanan, Hist. lib. xix. 372. Conference with Lethington, in Calderwood, MS. ii. 244.

der of her husband, their mistress, how desirous soever that she should be found innocent, would surely hold her unworthy to reign : nor would she stain her own conscience in the support of such wickedness, by restoring her to her kingdom. If the queen, however, should not be accused, or should not appear to be guilty of aught but gross misconduct, in her suspicious connexion and marriage with Bothwell, they were directed to promote an accommodation on such strict conditions as might secure the nation from her future misgovernment, and dissolve its alliance and combination with France. Her entire innocence, and of course her unconditional restoration to the throne, were not once thought of, as likely to happen ; and on the opening of the conference (October 8), her commissioners were startled at a preliminary oath, not only to advance nothing but the truth ; but to conceal nothing which a just decision might require to be known⁴⁸. When the conferences began, her complaints were reduced to writing : That her rebellious subjects, rising in arms, had seized and imprisoned her person, and had placed the crown upon her infant son ; that Murray had usurped the supreme power under the title of regent ; that he had defeated her forces, after her escape from Lochleven Castle, and had compelled her to retire into England for refuge. The Duke of Norfolk, who began to

⁴⁸ Anderson, iv. Part ii. p. 12, 13. 80. Goodall, ii. 116.

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aspire to a marriage with the Queen of Scots, had already conferred in secret, both with Lethington and with Murray, whom he tried to dissuade from the accusation, as a dangerous measure, never to be forgiven, if she should be restored to authority; and to convince the regent that no sentence of condemnation was intended, the duke advised him, to require some previous assurance that judgment would be pronounced, on the evidence being produced⁴⁹. The confident assertions of Mary's commissioners, that Elizabeth meant at all events to restore her to her kingdom, concurred also with their offers of accommodation, to deter the regent from any immediate accusation against the queen⁵⁰. Accordingly, when his answer was required, he demanded a private interview with the English commissioners (October 9th), and desired to know, before he ventured to accuse the king, his sovereign's mother, whether they were authorized to pronounce upon her guilt or innocence, and to proceed to an immediate sentence according to the proofs; whether she would be delivered up, if guilty, or retained in England for the security of the kingdom; and whether in that event, his proceedings would be confirmed, and his authority maintained⁵¹. While these demands were transmitted to Elizabeth, he

⁴⁹ Goodall, ii. 128. Anderson, iv. 52. Melvil, 95.

⁵⁰ Anderson, iv. 77. Goodall, ii. 157. Robertson, ii. 472.

⁵¹ Anderson, iv. 55. Goodall, ii. 130. See Appendix, No. XVI.

returned a partial or ostensible answer, in which the proceedings of the nobility were deduced from Bothwell's great credit, and marriage with the queen after the murder of Darnley : their opposition and her imprisonment were vindicated by the necessity of secluding her person, and preserving the young prince her son, from the murderer of his father, her former husband ; and his own authority as regent was established on her voluntary surrender of the crown to her son. An *Eik*, or additional answer, was expressly reserved ; and at the same time his assistants, Lethington, Macgill, Balneaves, and Buchanan, were sent to the English commissioners to communicate in private, as the proofs of Mary's participation in the murder, a copy of the bond from the nobility to Bothwell, with the queen's original warrant to sign it ; the two contracts of marriage ; her sonnets, and her letters, of which last a copious account, if not a large extract from the Scottish translation already mentioned, was transmitted to court⁵². Her reply to Murray's defence October 16. was rather plausible than just : She regretted, and was ever desirous to punish the murder, but had no suspicion of Bothwell being guilty, when acquitted by a verdict confirmed in parliament, and when recommended by the nobility, both her adversaries and friends, as a husband ; and

⁵² Goodall, ii. 139-50. Anderson, iv. 64. 71-6.

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the resignation of the crown was extorted from her by the fear of death, on the assurance of Throckmorton and her friends, that nothing was valid to which she was compelled to assent in prison⁵³.

While she triumphed, however, over her opponents in argument, her commissioners secretly trembled for the result. Norfolk, who had written to court, that the matter appeared to the commissioners to be manifest and detestable, informed Lesly that he had seen the letters and the regent's other defences, "whereby there would such matter be proved against his mistress as would dishonour her for ever;" and he advised the bishop to confer with Lethington upon some means to prevent the intended accusation, in which he himself might safely concur. Instead of attempting to disabuse the duke, or to persuade him that the letters were entirely a forgery, Lesly tacitly acknowledged their authenticity; and proposed a device of Lethington's, that the queen should ratify her former resignation of the crown, "for so should she stay the uttering of any matters against her, and within six months she would be restored to her country with honour;" and the resignation might then be revoked as of no more force than when she was imprisoned in Lochleven; to which the duke replied, "what of that were done to be quit of the present in-

⁵³ Anderson, iv. 80. Goodall, ii. 162.

“famy and slander, and let time work the rest⁵⁴.”

After different consultations with Lethington, Lesly, under the pretext of preparing a reply to Murray, rode to Bolton on the 13th to confer with the queen, but before his return the conferences were interrupted and transferred to London⁵⁵. The queen therefore was fully informed, at an early period, not only of all that Murray had communicated in private to the English commissioners, but of the impression which her letters had produced upon Norfolk, and her other friends, who believed them authentic; and of the dishonour and lasting infamy which in their opinion her character would incur, if the accusation should proceed.

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7. Whether Elizabeth was suspicious or not of Norfolk's intrigues, it was soon perceived that no progress would be made at York. Sir Ralph Sadler was ordered up to court for her information. For the same purpose, Mary was desired to dispatch two commissioners, Herreis and Lesly, to whom Boyd and the Abbot of Killwinning were added; Murray was directed to send Lethington and Macgill; and at last the conference was transferred to Westminster, under an artful pretext, that the commissioners might have better access to Elizabeth⁵⁶. Although Mary

Conference
at West-
minster.

⁵⁴ Murdin, 53.

⁵⁵ Id. Haynes, 483. Goodall, ii. 156—9.

⁵⁶ Goodall, ii. 171—6. Anderson, iv. 93.

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Nov. 22.

was still persuaded that the regent would not proceed to accusation, she was secretly alarmed at the intimation received from Norfolk, and in her additional instructions (October 21st), had enjoined her commissioners not to answer to any new allegations without her consent⁵⁷. But when Murray, unwilling to trust entirely to Lethington, repaired to London with his colleagues, her fears of the worst received new confirmation. In a letter to her commissioners (November 22d), she declared that, as she meant to act the part of a loving mother towards her subjects, it was not “fit nor convenient to stand in presence of
 ‘ane foreign judgment to *accuse them*, much
 “less *to be accused* by them, *being offenders*,
 “from which *rigorous and extreme dealing* no
 “love nor reconciliation would ensue.” Therefore she authorized her commissioners to appear in Elizabeth’s presence, in order to extend her clemency there to her disobedient subjects, and to grant an accommodation for their past offences, upon terms not detrimental to her honour, estate, title, or authority, which she would refer to no prince on earth; and if they should proceed *otherwise*, she enjoined her commissioners *to dissolve the present negociations, and to proceed no farther therein*. An ostensible commission was inclosed, of the same date, and to this effect:

⁵⁷ Goodall, ii. 350.

that, as Murray, and her adversaries, were permitted to come to Elizabeth's presence, from which she was still excluded, and in which they had free access to accuse and condemn her, while absent, her commissioners, unless she were also admitted to answer in person, before the nobility and foreign ambassadors, should break off, and withdraw from the conference, protesting against all farther proceedings as void and null⁵⁸. The letter of instructions, to offer terms of accommodation, otherwise to dissolve the negotiations, was therefore their private warrant, that contained her secret motives; the commission to demand access for her to court, was their ostensible pretext receding from the conference, if an accusation touching her honour should be produced. The commission accordingly was reserved for the last, and the conference was resumed (November 25th), Nov. 25. without opposition from her commissioners, who were satisfied with an obscure and ambiguous protest, that they submitted to no judicial authority over their mistress, but were content to treat, without prejudice to her person, honour, estate, or crown⁵⁹.

In addition to the former commissioners, Elizabeth had appointed the Earls of Leicester and Arundel, Lord Clinton the Admiral, Secretary Cecil, and Sir Nicholas Bacon, lord keeper, from

The queen
accused of
her husband's murder;

⁵⁸ Goodall, ii. 183—5. See Appendix, No. XVII.

⁵⁹ Anderson, iv. 104. Goodall, ii. 195.

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Nov. 26.

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whom the regent received, next day, a satisfactory answer to his demands at York: That the queen's majesty, though sincerely desirous of Mary's innocence, yet if her guilt should appear indisputable, would deem her ever after unworthy of a throne; in which case she should either be delivered up or detained in England, in sure custody, and the authority of the king and of the regent would be maintained. Upon these assurances, Murray and his colleagues, after a decent protestation, how reluctantly they were compelled to criminate their sovereign, for their own vindication, presented an *Eik*, or reserved addition to their former answers, affirming in plain terms; "That as Bothwell was the chief executor and perpetrator of the murder of King Henry, the queen's husband, so was she of the foreknowledge, council and device, persuader and commander of the said murder, maintainer and fortifier of the executors thereof⁶⁰." At the next meeting, (Monday 29th), Lennox appeared, as if in concert with the regent, to produce his former correspondence with Mary, and to solicit justice for the murder of his son. The accusation was communicated on the same day to Mary's commissioners, who expecting Murray to abstain from such extremity, withdrew to peruse it, confounded and perplexed, and then

⁶⁰ Goodall, ii. 199. 203-6. Anderson, iv. 109-15-19.

returned, confessedly astonished, to request time to consider such a bold and unforeseen charge⁶¹. CHAP.
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After two days deliberation, they appeared again on the 1st of December, when Herreis de- Dec. 1.

livered a preposterous harangue; that the charge was produced to excuse the usurpations and treasons of the queen's opponents, who were themselves the first inventors and writers of the bond for the conspiracy of Darnley's death; and that the very truth and cause of their usurpations, which he proceeds to explain, was her majesty's revocation of the crown-lands, of which they had obtained two-thirds during her tender years.

Lesly, instead of defending her innocence, maintained, that as the queen was plaintiff, the commissioners could determine only on the original complaint, not on such an atrocious charge when alleged by way of defence or exception, and as he and his colleagues could proceed no farther, they required an audience in behalf of their mistress⁶². on which
her com-
missioners
refuse to
answer.

When summoned to court on the 3d, Dec. 3. they represented, in a petition to Elizabeth, the protestation formerly lodged at the conference,

⁶¹ Id. 122. According to Queen Mary's Register, (Cotton Library, Titus, C. 12.) which Goodall has not published either correctly or entire, her commissioners declared, "they would not receive the same (eik) to make answer thairto, because it past the bounds of their commission, but would advise with their articles and instructions, and return to their lordships again."

⁶² Anderson, iv. 129. Goodall, ii. 213—16.

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against any judicial authority over their queen, and against all matters touching her person, crown, estate, or honour ; and as Murray had already obtained an audience, and was admitted to calumniate her honour before the commissioners, they demanded the same access for their mistress, in order to justify herself before the nobility, and ambassadors from foreign powers⁶³. When the first, and uniform object of the conference was to justify her innocence, before she could obtain either aid or admission to Elizabeth's presence, such a requisition, at that critical moment, when accused of the murder, can admit only of one interpretation. As she had instructed her commissioners, if the proceedings were prejudicial to her honour or dignity, to break off, and dissolve the conference, under a different pretext, of obtaining the same access with Murray to Elizabeth's presence ; so the protestation against matters touching her honour, and the demand of access to Elizabeth's presence, which had been refused from the beginning, were a mere subterfuge,

⁶³ Anderson, iv. 133. Goodall, 218—23. Tytler observes, " that Mary, *being informed* of the accusation, &c. instructed her commissioners, *on the 3d of December*, to demand in her name, that as Elizabeth had given admittance, both in *private* and *public* to her accusers, she might come in proper person, &c. to vindicate herself:" (i. 115.) whereas the instructions were sent on the 22d of November, seven days before the accusation which they were meant to prevent, and the application of her commissioners was made on the 3d.

employed by her commissioners to evade the accusation which she was unable to answer, and to prevent the appearance of those letters of which alone she was afraid. With the same view, they proposed next day, in terms of her letter of the Dec. 4. 22d, that notwithstanding Murray's odious accusation, as their mistress was desirous from the beginning of an accommodation consistent with her own honour, and the security of the adverse party, the whole matter should be compounded accordingly, by her majesty's appointment: and Lethington renewed his *device* or project at York, to prevent the appearance of the letters, by a confirmation of her former resignation of the crown⁶⁴. Elizabeth's answer was prompt and explicit: that it would be far better to reprimand and chastise Murray for defaming his sovereign,

⁶⁴ Tytler observes that "the proposal, as Ross and Herreis declared, *came not from the queen since the accusation had been given in by Murray*, and however ill-timed the motion, it would be harsh to infer from thence a presumption against her." Tytler, i. 117. But the fact, though concealed in the bishop's equivocating language, is, that the motion came from Mary, not since, but before the accusation, which her letter of the 22d, containing the proposal, was expressly written to prevent. Mary's Register is quite silent on this private proposal, (Goodall, ii. 221.) which is discovered only from the journal of the privy council. Anderson, iv. 134. Elizabeth's answer, which is quoted by Tytler and Whitaker, from Mary's Register, that she thought it very reasonable "that scho sould be heard in hir awin cause, but quhom befoir, quhen and quhair, &c. I am not as yit resolvit;" (Goodall, ii. 222.)

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than to propose any terms of accommodation so dishonourable to the queen her sister when accused of the murder, unless it were supposed that he could shew just causes for the accusation, which she should be sorry to hear; but as she had already refused to admit the queen to her presence till acquitted of the slander, much less could she now receive her, when accused of the crime. In return to the commissioners, who answered that it was unreasonable to require or to receive proofs from the accusers, before their mistress had appeared to shew that they could not be heard, she replied, that she meant to reprehend them, not to require proofs; nevertheless, if they persisted in their charge, she would receive whatever they should allege in their defence⁶⁵. It is plain from their own answer, that her commissioners were fully aware, and afraid of the proofs, and it appears from Elizabeth's reply, that they were well assured that the letters and other evidence were ready to be produced. Her answer was

is evidently a fiction of Lesly's; for this reason, that Mary's commissioners did not dare to insert it in their subsequent protest. *Id.* 229. Whitaker, i. 94. It is contradicted not only by the journal of the privy council, containing a minute account of Elizabeth's answer, but by Lesly's negotiations, that "they could have no other answer from Elizabeth or her council, but that she would not admit the queen to come to her presence, nor to be publicly heard before the nobility, nor treat, &c. unless by her commissioners." Anderson, iii. 32.

⁶⁵ Anderson, iv. 136—41. Goodall, ii. 224.

purposely framed to counteract their avowed design, to prevent, or at least not to witness the production of the letters. But when Murray appeared upon Monday the 6th, to support the charge, Lesly and his colleagues required to be first admitted; as the queen's majesty meant to receive probation before their mistress were heard in her presence, they declared that they would proceed no farther, nor assent to any pretended proofs to be given in by her rebellious subjects: they protested that nothing done thereafter should prejudice her honour, estate, or person, and for their part they dissolved and discharged the conference; inasmuch as their queen, if admitted to Elizabeth's presence, "would declare her innocence to her majesty's satisfaction, and make her rebellious subjects unworthy to appear before a christian prince, to exhibit such contrived and inventit allegiance against their native sovereign, as hereafter to the world shall plainly be known." Their protest was rejected as a misrepresentation of Elizabeth's answer; and they withdrew, reiterating their verbal protest that they would neither treat nor appear any more at the conference⁶⁶.

Dec. 6.
Dissolve
and recede
from the
conference.

⁶⁶ Goodall, ii. 227. Anderson, iv. 144. Tytler endeavours to conceal the fact, that the conference was broken off (i. 171.); but Whitaker is absolutely silent on the subject, (i. 98.); endeavouring to transfer the transactions of the 6th,

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Murray and his colleagues were next admitted. They were informed that her majesty was not a little surprised, that they should accuse their native sovereign of such atrocious crimes, as, if proved, would render her infamous to princes, and were admonished, that although they had forgotten the duty of good subjects, she meant not to forget that of a friend and a sister. They were then required to state what answer they could make in their own defence. By this artful device, the subterfuge employed to prevent the exhibition of the letters, by dissolving the conference, was effectually counteracted, and Murray undertook to justify and to support the

to the 7th of December. Lesly himself informs us, that by the special command of the queen, and by the advice of the foreign ambassadors, and of the Duke of Chattelherault, “we *refused* to treat, or enter any further with them, and so the conference was *dissolved and discharged* on all hands, and no *further done therein*, and by these means, these subjects were frustrate of their intent, and of that glorious victory, whereof they seemed to triumph before the victory.” That glorious victory which he endeavours afterwards to explain away, was to convict the queen of the murder, by which alone they could be declared good subjects, but of that intent they were frustrated by the conference being thus dissolved. Anderson, iii. 32. Her early apologists were more provident, however, than her modern defenders, and whatever was incumbent on the queen, but omitted by her commissioners, they have supplied for her defence. Blackwood, in particular, provides them with a long answer to each article of the accusation. Jebb, ii. 242.

accusation against which the queen had protested and refused to plead. He produced that same day “a book of articles, &c. in five parts; or, “a collection of the presumptions and circumstances from which it should appear, that as the “Earl Bothwell was the chief murderer of the “king, so was the queen a deviser and maintain- “er thereof.” Under this designation it is easy to recognise the original of Buchanan’s Detection, which was written from the instructions of the privy council of Scotland, and as we are well assured was produced at the conference. The 7th and 8th of December, were appropriated to the production of the letters, sonnets, and other evidence; and Boyd and Lesly returned upon the 9th, to renew their protestation, which was received in a more unexceptionable form⁶⁷. They must have known that the letters, against the production of which they protested, had been actually produced on the preceding day; but the admission of their queen to Elizabeth’s presence, which had been refused from the beginning, was the more strenuously urged, because they were well assured that it could not be obtained⁶⁸. The demand itself

⁶⁷ Anderson, ii. 262. iv. 146—56. Goodall, ii. 231—9. 377.

⁶⁸ Cabala, 157. Lesly and his colleagues, when they demanded on the 6th to be first admitted, evidently knew that the letters were about to be produced; but they returned on the 9th to protest, obviously because the letters had been produced on the 8th. Norfolk would give them every infor-

was, however, absurd: to justify her innocence to the satisfaction of Elizabeth and the foreign ambassadors, was impossible, before the proofs of her guilt were produced; and could only serve, as it was avowedly intended, to prevent the exhibition of the letters, by declaring her subjects unworthy to appear as accusers against their sovereign.

It appears therefore, from this deduction, that the original and sole object of the conference was for Mary to exculpate herself, under the form of an accusation against her rebellious subjects, from the public imputation of adultery and murder, before she could be admitted to Elizabeth's presence, or restored to her throne; but that she refused to plead when accused by Murray, and instructed her commissioners to dissolve the conference under a false pretext, in order to prevent the appearance of those letters of which she was previously apprized. Had the letters, of which she received copies from Lethington before the conference, been forged by her adversaries, her commissioners must have been prepared to join issue in the detection, the great object and the means of her vindication; to disprove the hand-writing, orthography, or identity of the originals, which Herreis had seen in the Scottish parliament; and to point out the supposed contradictions of time and place in the commissioners' proceedings, Lethington and the two Melvils, of the regent's steps.

and place, from which we are told that it was impossible for the letters to be her's. Had the letters, however, been genuine, and her handwriting indisputable, her commissioners must have acted precisely as they did: In the first instance, they must have endeavoured to avert the accusation, by the interposition of Norfolk; in the second they must have dissolved the conference, while they offered an accommodation, to prevent, if possible, the production of the letters. But when Mary, on being actually informed of the infamy which her character would incur if the letters were exhibited, instructed her commissioners not to answer, but to dissolve the conference; her refusal to proceed, at that critical moment, when the letters were ready to be produced against her, confirms their authenticity, and amounts to a plain acknowledgment, that they afforded the most incontestable proofs of her guilt.

8. When Murray undertook, on the 6th of December, to support the accusation, the fatal casket was to be produced next day. The minutes of the 7th are lost; but the fact appears from the subsequent proceedings, that a part of its contents, the letters, "tending to prove her hatred towards her husband to the time of the murder, wherein also might appear special arguments of her inordinate love towards the Earl of Bothwell;" the Scottish contract at

The letters
and sonnets
to Bothwell
produced;

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Seton, and an extract, or attested copy of Bothwell's trial were then produced⁶⁹. Upon the 8th, the regent and his colleagues “came according
“to the appointment *yesterday*, and for the further satisfaction of the queen's majesty and her
“commissioners, produced seven several writings,
“written in French in the like Romain hand
“with others her writings which were shewn
“*yesterday*, and avowed by them to be written
“by the queen; which seven writings, *being*
“*copied, were read in French*, and a due collation
“made thereof, as near as could be, by reading
“and inspection, and made to accord with the
“originals, which the said Earl of Murray required to be re-delivered, and did thereupon deliver the copies, being collationed⁷⁰: The tenor

⁶⁹ The proceedings of the 7th are ascertained by the relative minutes of the 8th, the papers produced on the 7th, by the journals of the privy council on the 14th and 15th, referring to the particular papers produced each day. Anderson, iv. 150—73—4. Goodall, ii. 235—56—7. But Whitaker, on the supposition of an error of the pen or press, assigns the minutes of the 6th to the 7th, as if the minutes could be antedated both in Mary's register, and in the journals of the commissioners and of the privy council. Whit. i. 98, n. The long letter from Glasgow in particular, was produced on the 7th, as appears from the minutes of the 9th. Anderson, iv. 168.

⁷⁰ Nothing can be clearer than this, that the letters being copied, these copies were collated by the commissioners, and made to accord with the originals, which last the privy council

“ of all which seven writings hereafter follow in
 “ order ; the first being in manner of a sonnet⁷¹,
 “ *O Dieux ayez de moi,*” &c. The examinations,
 or judicial depositions, and trial of the murderers,
 the forfeiture of Bothwell, and the protestation
 of Huntley, Argyle, and Herreis, in parliament,

collated afterwards with her former letters. But by garbling
 the minutes, Whitaker concludes that the letters produced on
 the 8th, were collated with others produced yesterday, on
 the 7th, in the like Romain hand, and thus one forgery was
 compared with another ; whereas, the journal of the 14th
 ought to have taught him, that the letters to Bothwell were
 produced partly on the 7th, and partly on the 8th. Whitaker,
 i. 103.

⁷¹ In the original MS. “ the first being in the form of a
 sonnet,” is interlined by Cecil ; and along the margin of the
 minute, eight references to the different writings, are marked
 in figures inclosed in circles. On the back of the minute,
 the same references are repeated, in the same form, to the
 number of seven, and in an adjoining column, seven other
 references are marked with Roman numerals in a different
 form. The first column in figures, refers evidently to the
 seven French writings, the sonnet, and letters, which were
 first produced ; the second column in Roman numerals, re-
 fers to the seven English writings produced that day, of
 which the four first contain the examination and trial of
 the murderers ; the fifth, Bothwell’s attainder ; the sixth,
 the protestation of Argyle and Huntley in parliament ; the
 seventh, the queen’s declaration before the lords of session.
 Of the eight references on the margin, the last is probably a
 mistake, in proceeding to enumerate the first of the English,
 among the French writings. Cotton Library, Caligula, C. i.
 fol. 241.

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(December, 1567,) were next exhibited: and, according to the inaccurate language of the age, *being copied*, implies that the letters were already copied, not that they were copied then upon the spot; *being copied, they were read in French*, signifies that the copies themselves were in a different language; *and a due collation made thereof*, is applicable, not to a mere transcript, which may be rendered quite exact, but to a translation made, by reading and inspection, to accord as nearly as possible with the originals. The copies were delivered by Murray, “being “(then) collationed;” the copies therefore were produced along with the originals, which he required to be delivered back, as was afterwards done. These copies produced on the 8th, were apparently the same with the Scottish translation, mentioned in Murray’s note to Middlemore, as “*copies of the letters translatit into our language;*” by Lesly, “as the *copy* which Le- “thington recovered;” by the queen’s sergeant, as “the letters which he stole for a night, to “transcribe for the queen, howbeit the same “were but *copys, translated* out of French into “Scots;” and as the copy, in these instances, implies the translation, so the same translation had been communicated before, to the commissioners at York, and was afterwards published, from the copy thus produced, and left by Murray in Cecil’s hands. When Boyd and Lesly re-

turned on the 9th, the commissioners “were occupied in perusing certain letters and sonnets, being duly translated into English, and other writings also exhibited yesterday to them by the Earl of Murray and his colleagues.” From this casual intimation, it appears, that the letters being duly translated, were translated into English, not then, but in the interval since the 7th, when the letters preceding the murder were produced⁷². But the English translation, of which two letters are still extant, must be distinguished from the former, of which the language, and Scottish orthography were confessedly obscure:

⁷² The fact is more apparent from the erasures and interlineations of the minute, which was written originally thus: “Being occupied in perusing and reading certain letters and sonnets, wrytten in French, and (*translated into*) other wrytings also (*mentio delyverit*) yesterday to them by the Earl of Murray and his colleagues, (and *now being*, the said French writings being translated into English) the Bishop of Ross,” &c. The passages within the parentheses are erased, and “being duly translated into English,” and “exhibited,” as quoted in the text, are interlined by Cecil. It appears, therefore, from the original, “and *now being*, the said French writings being translated into English,” that the French writings were not only translated in the interval, but that the translation was different from the copies produced on the 8th. It is necessary to observe, that nothing remains of the proceedings at Westminster, but the first rude draughts of the minutes, nor are these entire. But the minutes, when corrected, were engrossed in the Acts of the Sessions at Westminster, which have been suppressed, or lost.

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From the ignorance or imperfect knowledge of the French language, not only in the Scottish parliament, but in the English cabinet, where Cecil himself was unable to write or to speak it with facility, the two translations were respectively necessary, in Scotch and English⁷³; and innumerable difficulties, created by disputants, are removed by this simple explanation of the fact.

On the departure of Boyd and Lesly, Morton delivered a written declaration of the manner in which the casket came into his hands, and the regent produced the parole evidence of Nelson, who had been preserved from the explosion at the murder of the king; and of Crawford, a gentleman of the Earl of Lennox, who confirmed some important particulars in the letters. On the 12th of December, of which the minutes are lost, a solemn declaration, signed by Murray and his colleagues, was presented by their secretary in Norfolk's presence, that "the letters, sonnets, "and contracts, produced as written or sub- "scribed by the queen, were undoubtedly her "proper hand-writing, except the Scottish con- "tract at Seton, written by Huntley, which "they also understood and perfectly knew to be "subscribed by her." And on the 13th, the minutes of which are also lost, another deposition

⁷³ Digges' Complete Ambassador, 146. Goodall, i. 114.

of Crawford's was produced upon oath, concerning certain answers made to him by Hay and Hepburn, two of the murderers, on the scaffold immediately before their execution⁷⁴.

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On the same day the privy council proposed at Hampton Court, that, for the purpose of examining the letters with due solemnity, the rest of the earls summoned to town on account of the trial, should be called together and informed of the proceedings at Westminster, and "that the
" original letters and writings exhibited by the
" regent as the Queen of Scots' letters and writings, should also be shewn, and conference thereof made in their sight with the letters of the
" said queen, long since heretofore written with
" her own hand and sent to the queen's majesty,
" whereby may be searched and examined what
" difference there is betwixt the same⁷⁵." The Earls of Northumberland and Westmorland, two popish peers and the partisans of Mary, the Earls of Shrewsbury, Worcester, Huntingdon, and Warwick, were joined next day to the privy council at Hampton-court, and the proceedings at York and Westminster were read over and explained. The book of articles, or Buchanan's Detection, containing the whole series of events as they happened, was first exhibited. "And

Dec. 13.
examined
by the
privy council,
and pronounced
authentic.

⁷⁴ Goodall, ii. 141, 257—8—9. Anderson, iv. 168—75.

⁷⁵ Goodall, ii. 252.

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“ before these articles were read, there were
 “ produced sundry letters, written in French⁷⁶,
 “ supposed to be written by the Queen of Scots’
 “ own hand to the Earl of Bothwell, and there-
 “ with also one long sonnet, and a promise of
 “ marriage in the name of the said queen with
 “ the said Earl of Bothwell, of which letters the
 “ originals, supposed to be written with the Queen
 “ of Scots’ own hand, were then also presently
 “ produced and perused; and being read, were
 “ duly conferred and compared for *the manner of*
 “ *hand-writing, and fashion of orthography*, with
 “ sundry other letters long since heretofore
 “ written and sent by the said Queen of Scots
 “ to the queen’s majesty; and next after those
 “ was produced and read a declaration of the
 “ Earl of Morton, of the manner of finding the
 “ said letters: *In the collation whereof no differ-*
 “ *ence could be found.* Of all which letters and
 “ writings, the true copies are contained in the

⁷⁶ This at first might seem to imply that the copies produced on the 8th were in French; but the context would then imply, that these copies, as well as the originals, were supposed to be written in the queen’s hand. The meaning is not, that those copies, but that the letters themselves, were (originally) written in French; and the inaccuracy proceeds from transcribing in the minute a part of the title prefixed to the first letter in the Scottish translation, a “ letter written by hir from Glasgow to Bothwel, *quhilk letter was written in French*, and here ensueth translatit word for word.”

“ memorial of the acts of the sessions of the 7th
 “ and 8th of December⁷⁷.” The depositions
 were then produced, and as it was now late, the
 confessions and remaining proofs were brought
 forward next day. “ And it is to be noted, that Dec. 15.
 “ at the time of producing, shewing, and reading
 “ of all these foresaid writings, there was no
 “ special choice nor regard had to the order of
 “ producing thereof, but the whole writings,
 “ lying altogether upon the council table, were,
 “ one after another, shewn rather by hap, as the
 “ same did lie upon the table, than with any
 “ choice made, as by the natures thereof, if time
 “ had so served, might have been.” The writings,
 therefore, were collated in the most unexception-
 able manner, without any particular selection or
 unfair arrangement; and the time bestowed upon
 the subject was certainly sufficient to enable a
 jury to determine a plain fact; That the letters
 being read over, were duly conferred and com-
 pared, for the manner of hand-writing, and
 fashion of orthography, with sundry others her
 former letters, in the collation whereof no dif-
 ference could be found. “ When the said earls
 “ were made participant of the whole cause,”
 they were informed, “ that the Queen of Scots’
 “ commissioners, being made privy to the accu-
 “ sation, had forborn to answer, and refused to

⁷⁷ Anderson, iv. 170-2. Goodall, ii. 256.

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“ have any further conference in this matter, press-
 “ ing only to have their mistress permitted to
 “ come to Elizabeth’s presence to make her an-
 “ swer, and otherwise to make no answer at all;
 “ but the crimes for which she was at first denied
 “ admittance being now apparent, her majesty
 “ cannot, without manifest blemish to her own
 “ honour, admit her to her presence, till these
 “ are removed. The said earls severally made
 “ answer, acknowledging themselves much bound
 “ unto her majesty, that it had pleased her to im-
 “ part the state of that great cause *in so clear a*
 “ *manner as they did perceive it*: wherein they
 “ had seen such *foul matter as they thought truly*
 “ *in their consciences* that her majesty had just
 “ cause to make such an answer, being as rea-
 “ sonable as the cause would bear ⁷⁸. ”

In opposition to the solemn declaration of these peers and of the privy council, we are told, that in comparing the letters with others produced by Elizabeth, one forgery was merely collated with another; as if in these circumstances such forgeries were as easily executed then, as asserted at present⁷⁹. The privy council was well acquainted with Mary’s hand. Her letters to Elizabeth were frequently laid before the privy council, to whom she had formerly written; and

⁷⁸ Goodall, ii. 269. Anderson, iv. 177.

⁷⁹ Whitaker, i. 112.

Bedford, who attended her court at the baptism, Northumberland, Arundel, and Westmorland, her secret partisans, Norfolk, Sussex, and Sir Ralph Sadler, the commissioners at York, must have known her hand-writing, which they had then every opportunity to ascertain. But they concur in the declaration; That the original letters were duly compared, for the manner of writing and fashion of orthography, with sundry others heretofore written, *in the collation whereof no difference could be found*. The commissioners at York, in particular, who had thrice examined the letters, had the strongest inducement to ascertain their authenticity, when they declared in the beginning, that “they discourse of some “things unknown to any other than the queen “and Bothwell, and as it is hard to counterfeit “so many, so the matter contained in them was “such as could hardly be invented or devised “by any other than herself.” But Norfolk was equally convinced with the rest, that the letters were genuine, and his decided belief of the queen’s guilt, is attested by his own declarations and letters. In his conversation with Lesly, he informed him that he had seen the letters, which would cover her with infamy, unless means were found to prevent the accusation. In his letters from York he wrote to Pembroke, Leicester, and Cecil, “that if the fact shall appear *as detestable* “*and manifest* to you, as, for ought we can

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“ perceive, it seemeth here to us, that condign
 “ judgment and open declaration to the whole
 “ world may immediately appear; but if her
 “ majesty shall not allow of this, then to make
 “ such a composition as in so broken a cause
 “ may be⁸⁰.” At the same time, he informed
 Banister, his confidential servant, “ that upon
 “ examination of the matter it did appear that
 “ the Queen of Scots was guilty and privy to the
 “ murder of Lord Darnley her late husband;
 “ whereby I,” says Banister, “ verily thought that
 “ his grace could never join in marriage with
 “ her⁸¹.” And Elizabeth in her subsequent in-
 structions to Beal and Shrewsbury, observes that
 “ we saw the proofs, by the view of her own
 “ letters, fall out sufficiently clear against her, as
 “ both Norfolk and Arundel did declare unto
 “ us, howsoever they were afterwards drawn to
 “ cover her faults and pronounce her innocent⁸².”
 To these deliberate and explicit declarations,
 no objections can be derived from the answer
 made by Norfolk previous to his trial, when in-
 terrogated concerning his interview with Leth-
 ington, in the fields, at York; “ that Lethington
 “ then told him he came thither, not against the
 “ Queen of Scots, but on her part, and so moved
 “ this examinant to think her not guilty; and

⁸⁰ Anderson, iv. 62-77.⁸¹ Murdin, 134.⁸² Instructions to the Earl of Shrewsbury and Mr. Beal, April 6th, 1583. Cotton Library, Caligula, C. 9.

“ then also he *moved* this examinant to like
 “ of a marriage with the said queen, which
 “ offer he then refused utterly⁸³.” If Lethington
 first *moved* the duke to think her innocent, then
moved him to like of a marriage, the word
move, to persuade or propose, must in both in-
 stances receive the same interpretation; but it
 never can signify that Lethington so moved, or
 persuaded the duke to think her innocent, that he
 also moved or persuaded, rather than urged or
 importuned him, to like of that marriage, which
 the duke utterly refused. But the word is evi-
 dently used in an equivocal sense, by a faint de-
 claration of her innocence to extenuate a marriage,
 to which Norfolk was instigated by ambition,
 when convinced of her guilt. Cecil, in a confi-
 dential letter to Norris at Paris, expresses his pri-
 vate opinion of her guilt with horror⁸⁴; and of

⁸³ Murdin, 164.

⁸⁴ “ The regent being here with the queen’s majesty, vehe-
 mently charged, was driven for his defence to disclose a full
 fardel of the naughty matter, tending to convince the queen
 as deviser of the murther, and the Earl of Bothwell her exe-
 cutor; and now the queen’s party finding the burthen so
 great, refuse to make any answer, and press that their mis-
 tress may come in person to answer the matter herself, before
 the queen’s majesty, which is thought not fit to be granted,
 until the great blots of the marriage with her husband’s
 murtherer, and the evident charges by letters of her own, to
 be the deviser of the murther, be somewhat razed out or co-
 vered; for that as the matters are exhibited against her, it is

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four commoners and sixteen peers of the first rank, to whose unbiassed examination the letters were submitted, not one has left the smallest intimation that their authenticity was disputed or suspected in council⁸⁵. At a subsequent period, Lennox, to whom her hand-writing was undoubtedly familiar, expressed his private conviction to his wife, that the letters were authentic, which, as the casket was in his possession during his regency, he must have distinctly known⁸⁶.

far unseemly for any prince, or chaste ears, to be annoyed with the filthy noise thereof; and yet, as being a commissioner, I must and will forbear to pronounce any thing herein certainly; although as a private person I cannot but with horror and trembling think thereof." Cabala, 157.

⁸⁵ The privy council of the 13th, consisted of the Duke of Norfolk, the Marquis of Northampton, the Earls of Derby, Bedford, Arundel, Sussex, Leicester, the Lords Clinton, Admiral, Howard, Chamberlain, (to whom the six earls already mentioned were added) the Lord Keeper Bacon, Secretary Cecil, Sir Walter Mildmay, Chancellor of Exchequer, and Sir Ralph Sadler, Chancellor of the Duchy of Lancaster. Haynes, 492. Goodall, ii. 252.

⁸⁶ Robertson, ii. 347. In opposition to this, one of Mary's letters, two months after Lady Lennox's death, is quoted as a proof, that the latter acknowledged her innocence while alive. Lady Lennox's declaration would only prove, that as she never saw the evidence, she thought better of Mary than her husband did. But Mary's affirmation that Lady Lennox believed and declared her innocent, amounts to no more in the scale of evidence, than her own affirmation of her innocence, which she never failed to assert. Tytler, i. 246.

9. The sequel of the conference remains to be examined, as some partial quotations are selected to prove, that copies of the letters were unconditionally refused, and that the queen was deprived of the opportunity, and of the very means of defence. Her commissioners attended on the 16th, to receive Elizabeth's definitive answer to their former demands. They were informed that the proofs produced by Murray should be communicated to their mistress, if she would agree to make a direct answer, in one or other of these three ways ; either by her late commissioners at Westminster, or by a confidential person properly authorized, or personally to noblemen sent in order to receive her defence. They were reminded, that admission to Elizabeth's presence could not be granted even when she was suspected, much less when she was accused upon strong and apparent presumptions of guilt. And they were finally admonished, that if these three modes of defence were rejected, the want of access to her majesty would never be received by the world, as an excuse for submitting to such imputations, nor was there a surer method of procuring her own condemnation, than the refusal to answer, and to justify herself from such horrible crimes. Lesly, instead of accepting the offer, presented a series of articles ; in which he concluded that those persons whose treason she had so often pardoned, ought not to be received as competent accusers of

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Sequel of
the conferences.

Dec. 16.

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Dec. 17.

21.

their native sovereign, nor an example admitted so prejudicial to princes ; and required, that if not restored to her crown, she should be permitted to depart either for Scotland or for France. According to Mary's Register, Elizabeth replied, that she would neither propose, nor esteem them faithful, who could advise an accommodation with men who had accused their sovereign, and who should suffer severely if unable to prove their charge ; but that she could make no return to the other demand still certified from the queen herself, whether she would answer, according to any one of the three methods proposed. Next day a long memorial against the absolute admissibility of the letters as evidence, was presented by Lesly⁸⁷, who deprecates, and expressly declines a comparison of the hand-writing as fallacious, or as insufficient to constitute legal proof, and implores Elizabeth in the most suppliant terms to accomplish a reconciliation, or if that were not practicable, either to restore the queen, or to suffer her to depart. On the 21st Elizabeth wrote to Mary a letter, in which she blamed the refusal of her commissioners to answer, and their conduct in dissolving the conference, as they said, by her express command ; professed to suspend her own judgment till *an answer* were returned ; exhorted

⁸⁷ Goodall, ii. 392 ; where it is dated the 6th, instead of the 17th.

her not to forbear to answer to the heavy matters with which she was charged, and recommended Lesly, evidently as a proper person to undertake her defence⁸⁸. From a report spread by her commissioners, that the regent and his company were themselves guilty of the murder, Lord Lindsay, who had offered to fight with Bothwell at Carberry hill, sent a challenge, on the 22nd Dec. 22. to Herreis; to which this remarkable answer was returned, “that *in respect* they had accusit the “queen their native sovereign, he hes said, there “*is* of that company present with the Earl of “Murray, giltie of that abominable treason, of “the foreknowledge and consent thereto; that “Lindsay was guilty of the crime he knew not; “but let aught of the principals subscribe the “like challenge, and he will point them out, and “fight with some of the traitors therein⁸⁹.” Lindsay himself he expressly, the regent, he tacitly acquits: and if the rest had been silent concerning the crimes of the queen, no mention would have been made of their guilt. But this absurd challenge, in which Herreis is afraid to specify whom it is that he defies, alludes either to

⁸⁸ Anderson, iv. 179—83. Goodall, ii. 260—70.

⁸⁹ Goodall, ii. 272. This ridiculous challenge, in which Lindsay is acquitted by name, and Murray by implication, is quoted as a presumption of Murray's guilt, as if the accusation sat not easy on him, before it was even preferred. Tytler, i. 141.

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Mary re-
criminates
on her ac-
cusers,

Lethington or to Morton, whom the queen had formerly declared to be privy to the murder ; but whom her commissioners dared not to accuse, nor even to name, as the defence of their conduct might have terminated in an additional proof of her consent or command.

The immediate cause both of the report and of the challenge was instructions and answers from Mary, dated the 19th of December, and directing her commissioners then, and not till then, to recriminate against Murray and his adherents. On the first notice of this report, for which Lindsay, a hot and impetuous nobleman, challenged the author, Murray, with greater propriety, had applied, as conscious of his own innocence, to the privy council of England: and Lesly and Herreis, when summoned on the 24th, were required, and undertook to support the charge. They produced and read next day, as their only accusation against the regent, their Instructions from Mary, containing her answers to the *Protestation* and *Eik* presented about a month before: “ that forasmeikle as Murray and his
“ adherents had accused her of counselling and
“ devising the murder of her husband, they had
“ falsely lied, imputing to her maliciously the
“ crime whereof they were the authors, inventors,
“ doers, and some of them the proper executors
“ themselves⁹⁰.” The inspection of the letters and

⁹⁰ See Appendix, No. XVIII.

copies of them were also demanded, which desire, according to Mary's own register, her majesty thought very reasonable, and was very glad that her good sister would make answer for defence of her honour, and desired an extract of the writing to be given in. But the writing contained no authority to renew the conference, nor any obligation to answer directly to the proofs produced, as required on the 16th: On the contrary, she renewed her demands of admittance, if the question should come to proof, to declare the justice of her cause to her *gud sister and na uther*; and her commissioners adhered to their protestations against any proceedings touching her honour; the pretext upon which the conference had already been dissolved⁹¹. No offer is made to support or to prove the vague recrimination against

⁹¹ These and the subsequent proceedings are to be found only in Mary's Register, compiled by Lesly and Herreis (Cotton Library, Titus, C. 12.), which, when compared with the former proceedings in the Cecil papers (Caligula) is obviously incorrect. Goodall, ii. 121—3—61. Anderson is accused of suppressing Mary's Register, but the fourth volume of his collections is incomplete, and I understand that the printing was interrupted by his sudden death. Among his papers I found a copy of Mary's Register, corrected from the original with his own hand for the press, and as Goodall generally adheres to the errors corrected in this copy, I am persuaded that he obtained a transcript before it was corrected, when employed as Anderson's amanuensis, in transcribing the Charters of the Diplomata Scotiæ.

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January.

Murray or his friends: Lethington and Morton, who were privy to her guilt, are not once mentioned; but the murder which she retorts on her adversaries a month after she herself was accused, should, if they were really guilty, have been the first charge which she preferred at York. The same indiscriminate accusation, and the same demand, are renewed in a letter to her commissioners, dated January 2d, and presented on the 7th, wherein “she is deliberate to gif them sic instructions shortlie, that may make the samen mair manifest, as occasion serves;” and requires copies of the letters, “to the effect that they may be answered particularly, that Elizabeth and the world may know, that her opponents were no less shameful liars, than by their unlawful actions false traitors.” It is observable that the instructions, which, instead of answering the accusation against herself, *she was deliberate shortlie to send*, were no other than the “Protestation of the Earls of Huntley and Argyle, touching the murder of the king,” which was sent enclosed to Huntley, to be signed and again returned to this effect; that Lethington and Murray, had, the one proposed, and the other, assented, at Craigmillar, to her divorce from Darnley, from which they conclude that these two were the authors of the murder⁹². In consequence of the applications

⁹² It appears that the protestation and letter were intercepted by Cecil, and answered on the 19th by Murray, who

from Mary's commissioners in public and private, to cover her honour by an accommodation with her subjects, Elizabeth had already adopted the device of Lethington's which was now proposed: that she should resign the government and crown to her son, for although the regent and his company were accused as parties to the murder, or to her unlawful marriage, that was no extenuation

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vindicates himself on the same occasion from the bond formerly mentioned (Dec. 1st.) by Herreis for the murder of Darnley. Anderson, iv. 185. Goodall, ii. 200. That bond, however, is not once mentioned in the protestation, as Lesly knew that it was signed by Huntley and Argyle, themselves. Tytler quotes an assertion of Stranguage, that he had seen and transcribed the original protestation, which Argyle and Huntley sent to Elizabeth in their own hands, ii. 31. Stranguage merely copies Camden's words. *Quid hac de re* (the murder, 1567) *statim* publice protestati sunt Georgius Comes Huntleius, et Comes Argathelius, inter Scotiæ proceres facile principes, libet hic *ex autographo* ad Elizabetham, *quod vidi* subtexere. Annals, 115. Rapin observes, that Camden's *statim*, immediately after the murder, was not till two years afterwards, and that not knowing the precedence, he has not ventured to annex the names of those peers to his Latin translation of the autograph which he had seen. But Tytler must have been conscious, that neither Camden nor Stranguage ever saw any original, but the one in the Cotton Library, which is abridged along the margin by Cotton, to whom alone we must impute the interpolation in Camden, of an autograph protestation written or signed by Argyle and Huntley, whom it never reached.

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of her guilt⁹³. An answer to her demands was deferred, therefore, for a few days, till she finally refused on the 9th, to resign her crown as the last proofs of her guilt; for which this satisfactory reason may be assigned, that the worst had already been done, when her letters were produced, to prevent which, was her chief inducement to resign the crown at Lochleven⁹⁴. At the same time her commissioners renewed the hopeless proposal of an accommodation and pardon; but Murray, impatient to secure his authority at home, was admitted to the privy council next day, and, according to his own account, the proceedings of the confederates were fully approved, and the

⁹³ “A memorial concerning the Q. Scots, of which some part was sent to Mr. Vice-chamberlain,” (Knolles) is impertinently entitled by Goodall, “Projects for terrifying the Q. of Scots from insisting to answer and accuse Murray.” Goodall, ii. 300. Elizabeth’s proposal had evidently arisen from the applications made by Mary’s commissioners “for covering her honour by an appointment betwixt her and her subjects, which is communed on,” says Cecil, “secretly by two or three manner of ways.” Letter to Norris, January 3d. Cabala, 157. And Lesly had actually made such application in public, December 16th, when copies were offered; and again in private, in the memorial of the 17th. Goodall, ii. 265. Haynes, 495.

⁹⁴ In her conference with Beal and Shrewsbury, 1583, “touching the matter of her husband, she said the worst had been done that could be; as the printing Buchanan’s book in England and France.” Cotton Lib. Caligula, C. 9.

authority of the king and of the regent was sustained. According to Mary's register, he was informed, "that as thair hes nothing bene deducit
 " agains him and his adherentis as yet, that may
 " impair thair honour or alledgeances ; so on the
 " uther part thair had nothing bene sufficiently
 " proven nor schawin by thame against the quene
 " their soverane, quhairby the Quene of England
 " should conceave or tak any evil opinion of her
 " gude sister for any thing yit sene ;" and as their return became necessary, from the disorders in Scotland, she left them in the same state as before, till she heard further of the Queen of Scots' answer to such things as have been alleged against her⁹⁵. By this artful declaration, it is supposed that Elizabeth avoided a decision (which was certainly not necessary when the conference was dissolved), without either condemning or acquitting Mary, till her answer should be received. But it is observable, that the answer was neither addressed nor communicated to Mary's commissioners, who were not present ; but was confined to Murray, to whom Elizabeth had certainly no occasion to exculpate their mistress ; and as the only entry in Mary's register of the proceedings held in their absence, is *The Form of the Answer given to Murray and his complices*, we must conclude that this abstract in Scotch was framed from

⁹⁵ Goodall, ii. 305—6.

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whom her
commissi-
oners when
confronted
are unable
to accuse.
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hearsay, and was inserted to restore her to a balance with the regent; that as nothing had been deduced against him, so nothing had been *sufficiently proven, and shewn* against the queen. Her commissioners were confronted, the very next day, at Murray's desire, with his colleagues, his assistants and himself, in order to determine, before his departure, the accusation which they had preferred. When interrogated whether they would accuse the regent, or *any of his company*, of the murder of the king, they declared that they were expressly commanded by the queen to accuse him, and others his adherents, and on receiving copies of the letters were ready to defend her innocence. But, "being also required, "if they or any of them, as of themselves, would "accuse the said earl in special, or any of his "adherents, or thought them guilty thereof," they declined the task⁹⁶. Lesly, Herreis, and Killwinning, on being challenged severally by Murray, Morton, and Lindsay, declared to each, that as they were innocent themselves, they knew not who were the authors of the murder, till it was publicly revealed long thereafter, by those who suffered death for the crime: that although some information had since reached their ears, they came not there either to acquit or to condemn the regent or others, but to accuse those whom

⁹⁶ Goodall, ii. 307.

their mistress might accuse, and whom they were ready to declare guilty whensoever she should please to point out, and to accuse them by name. Lesly in particular declared that he knew not himself of the regent's guilt, though ready to accuse him at the queen's command⁹⁷. In referring to the depositions of the murderers, he durst not insinuate, as he had done in the Instructions of the lords and abbots, that they who suffered on the scaffold had acquitted the queen, and had deposed that her accusers were the authors of the murder; much less did he then assert, as in the Defence of her Honour, that such were their last confessions, in the presence of five thousand, at the place of execution. Herreis durst not renew his challenge, when required to point out some of the principals; nor when interrogated by Murray, Morton, or Lindsay, did he venture to assert in their presence, as he had done in their absence, on the 1st of December, "that the accusers
 " themselves were the devisers and inventors of
 " that develish band for the murder of Darnley,
 " as was made manifest before ten thousand
 " people at the execution of the principal
 " offenders at Edinburgh." It is evident from

⁹⁷ Goodall, ii. 307. Anderson, iii. 34. Whitaker, to conceal the refusal, has suppressed the transactions of the 11th, while Tytler introduces an absurd story of a Scotch appeal. Whitaker, i. 143. Tytler, i. 52.

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his silence, that he was ignorant then of a fiction afterwards uttered by Lesly; that a few days after the crime was committed, Herreis accused Murray at his own table, of informing a nameless servant, as he rode through Fife on the evening preceding the murder, that “this night ere morning the Lord Darnley shall lose his life⁹⁸.” Murray at last offered to proceed to Bolton, to the queen’s presence, to which her commissioners objected⁹⁹; and his conduct was precisely that of a person conscious of his own innocence, who openly solicits the accusation which he defies. But her commissioners, according to their own account, were reduced to the disgraceful situation of men obliged to assert her innocence when convinced of her guilt. They knew that Morton was privy, and Lethington accessory to the murder; but they endeavoured to transfer their guilt to the innocent, whom they accused indiscriminately, and without naming them, in order to repel the accusation against the queen. But when they were confronted with Murray, and required to substantiate the charge, they had no proof whatsoever to produce; they could neither attest their belief that the regent, or any one of his adherents, was criminal, nor utter a single report to his prejudice, nor even accuse those whom they

⁹⁸ Tytler, i. 75—6. Goodall, ii. 233.

⁹⁹ Id. 309.

knew to be guilty, lest the proof of the queen's guilt should be involved in their defence.

The regent, against whom there was no proof nor presumption, obtained an audience of leave next day. He remained, however, above a week longer to secure himself from assassination upon the road, by listening to a negociation for Norfolk's marriage; and his life was preserved only by the interposition of the duke with Mary, who, to obtain possession, perhaps, of the letters, was privy, and apparently instrumental to the design¹⁰⁰.

She had neither accepted any one of the three modes of defence as required on the 16th, nor, in her demands of copies on the 25th of December, and on the 7th of January, had she agreed to make a direct answer to the charge. An answer to these demands had, therefore, been deferred for a few days, in consequence of the plan devised by Lethington, for the resignation of her crown. As her refusal of this proposition on the 9th, contained an offer, not to vindicate her innocence, but to accommodate every dispute with her subjects, her commissioners received on the 13th an explicit answer hitherto unpublished, which, as explanatory of Elizabeth's motives, is inserted entire.

Their final refusal to answer or defend her innocence, Jan. 13.

¹⁰⁰ The design was to murder him near Northallerton, to which it appears from Lesly's confession, that Mary was privy. Murdin, 46, 51—4. Melvil, 99. Robertson, ii. 481.

Answer to the Q. of S. commissioners, by the council, written by Sir William Cecil, to the demands of the Q. of S. to have such letters and other writings as wherewith the said Q. hath been charged, Jan. 13, 1568.

“ Her majesty meaneth not to deny to the said
“ Q. the sight of the true copies of the said writ-
“ ings. But before the same be delivered, her
“ majesty of a very sincere good meaning to have
“ the said queen’s cause come to the best effect that
“ it may for her commonweal, likewise her ma-
“ jesty thinketh that such her ministers as have any
“ inward care of her, without respect partially to
“ any other, thinketh it good the said queen were
“ seriously moved to consider, that the said writ-
“ ings delivered, she must of necessity make an-
“ swers without any cavillation, for lack of her
“ admittance to the presence of her majesty, and
“ such like; and by that answer it must needs en-
“ sue that the said queen shall be proved either
“ innocent or culpable of the horrible crimes
“ whereof she is but as yet accused, and not con-
“ victed. And if she should not by her answers
“ prove herself innocent, then of necessity the
“ queen’s majesty can never with her honour shew
“ her any favour; and therefore this being con-
“ sidered of by the said queen, with advice of such
“ as love her for herself, without other respect, if

“ she mean rather to put the whole matter upon
 “ direct trial, than to have her cause otherwise
 “ ended, for her quietness and for her honour also,
 “ then so as she will by her hand-writing to the
 “ Q. majesty declare her meaning to be that, if she
 “ will not prove herself clear and free from the
 “ crimes imputed to her, that she will be content
 “ to forbear request of any favour of her majesty
 “ which her majesty desireth her to have in writ-
 “ ing, to the end, if the cause should so fall out,
 “ then she might have good reason upon the said
 “ queen’s own contentation, to forbear her favour;
 “ and contrary ways her majesty is determined,
 “ if she may be proved free, to offer her as much
 “ favour as may be required reasonably : and for
 “ the inward troubles in the realm her majesty
 “ must needs (be) uncertain ¹⁰¹. ”

This answer is confirmed by Mary’s Register,
 which conceals only Elizabeth’s visible reluctance
 to proceed to conviction : “ That scho will not
 “ refuis unto the quene, the doubles of all that
 “ was producit, but her hienes, that scho may be
 “ certifyit of her mind befoir the samen be de-
 “ liverit, will have a special writing, signet with
 “ hir awin hand, promising that scho will answer
 “ to the writingis and thingis laid to her charge
 “ bot” (without) “ any exception. And in case scho
 “ sall sufficientlie defend her innocence, then hir

¹⁰¹ Cotton Lib. Caligula, C. 1. vol. 281.

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“ hienes will favour support and ayd hir accord-
“ ingly, as the samen requiris, and becomis ane
“ prince to do to another. And in cais scho clere
“ not her innocence, as God forbid, then your
“ mistress sould luik for na farder support nor
“ ayd at hir majesties handis. And after the
“ receipt of her writing of the said tenour, then
“ your mistress sall have the doubles of all the
“ writings, to make answer as scho sall think
“ guid. The queen’s majestie desires sic writing
“ because scho understandis that your commis-
“ sion is expyrit, seen ye did discharge the con-
“ ference at Westminster, and by your last
“ writings ye resevit, have power to require the
“ copies, bot not to make answer¹⁰². ”

These conditions are strictly conformable, not only to the original object of the conference, but to the definitive answer, on the 16th of December, in which the first unsolicited offer of copies was made. Her commissioners however replied that the obligation was unnecessary, as the queen, in her writings produced on the 25th of December, and 7th of January, had offered, upon *certain conditions therein expressed*, to make answer if she obtained inspection or copies of the letters: “ quhilk answer she wald only make for satisfying the queen’s majesty hir gude sister: albeit quhatsoever thing was producit by hir

¹⁰² Goodall, ii. 310.

“rebellis sen the *discharging* the conference at
 “Westminster, the vi day of December last past,
 “was bot inventit sclanderis and *private writings*
 “quhilk could not prejudge her in ony wise¹⁰³ ;”
 The conditions therein expressed, were her appearance before the queen’s majesty and foreign ambassadors, and the reservation of the former protestations touching her honour; but the instructions themselves give no authority nor promise to answer as Elizabeth had required, without which the conference would have been again dissolved, on the same, or on some new exception, when the copies were obtained. But her commissioners, obviously to evade the offer, declared further, that as Murray and his adherents, when publicly accused, were permitted to depart, it appeared not convenient nor meet that *their sovereign should make any further answer*¹⁰⁴, un-

¹⁰³ The apologists for Mary, who, in opposition to Lesly and to Mary herself, (Haynes, 504.) maintain that the conference was not dissolved on the 6th or 9th of December, but prolonged till Murray’s departure with the box and letters, forget that as her commissioners protested on the 6th, that they would no longer proceed in the conference, so they met no more with the English commissioners, unless to renew their protest on the 9th; and that the subsequent proceedings were before the privy council. Tytler, i. 173.

¹⁰⁴ On this final refusal to answer, Tytler merely observes, that the commissioners took hold of the opportunity to urge another point (Murray’s departure), i. 157; but Whitaker is silent as the grave, i. 149.

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less her rebels were detained ; and they demanded the same leave for their mistress and themselves to depart for Scotland. They were informed that Murray had engaged to return with his colleagues when required by Elizabeth ; and that they might obtain the same permission for themselves to depart, but that the queen's departure was not admissible for different respects ; to which they replied that they could do no less than desire their queen to be sent back to her own country, as they had oftentimes desired before ; and instead of accepting the offer of copies, on the condition of making a direct answer to the letters, without exception, they protested that nothing done by their mistress, while detained in England, should prejudice her person, authority, honour, or estate. The accusation against Murray and his associates, had no necessary connexion with her innocence or defence, as their guilt could neither disprove nor extenuate her's. But as Murray remained in London above eight days afterwards, the fairest opportunity was certainly afforded to renew the conference, and by accepting the single condition upon which the inspection, or copies, of the letters were offered, to vindicate her innocence by a direct answer and detection of the forgery, or to detain the regent in England, if any serious accusation, or a single proof of his guilt could be produced. Her defence might proceed in his absence, had he

chosen to depart when the conference was renewed ; and her commissioners received a solemn intimation, that she should obtain the support due to her rank and misfortunes ; or, in other words, that she should be restored to her throne, if her innocence could be proved. The demand of copies, without a reciprocal obligation to answer to the letters, without exception, was merely an ostensible pretext to object to their *relevancy*, or to the competency of the accusers, and can only signify that no direct answer was intended to be made. But her commissioners, in order to avoid the offer of copies, and the obligation to answer directly to the letters, renewed their demand and protestation for her departure, which they knew would not be granted, and they absolutely refused to defend her innocence, because the regent, against whom they had no proof nor charge to substantiate, was permitted to depart¹⁰⁵. Her conduct throughout, was the reverse of the regent's, who, conscious of his own innocence, twice challenged an accusation upon the mere surmise and report of his guilt. In the first instance, in order to prevent the production of her letters, she instructed her commissioners to dissolve the conference on the pretext of being refused admission to Elizabeth's presence to declare her innocence before the letters were pro-

¹⁰⁵ Goodall, ii. 313.

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duced: in the second instance, when an opportunity to renew the conference, and to proceed to an examination and detection of the letters was twice offered, she declined the investigation and offer of copies, evaded every obligation to answer, and absolutely refused to defend her own innocence, because her accuser, on whom she attempted to recriminate without proof, was permitted to depart.

The
queen's fic-
tions con-
cerning the
conference.

10. When the conferences were finally concluded, Mary transmitted to her partisans in Scotland, letters filled with the most chimerical fictions which the brain of an intriguing woman could have possibly devised. Not a word was mentioned of the accusation against herself; but she asserted, that when the conferences were transferred to Westminster, Murray had formed a secret treaty with Elizabeth's ministers, to deliver up the person of the young prince, and the castles of Edinburgh, Stirling, and Dumbarton, to the English; to hold Scotland as a fief dependant upon the crown of England, and by means of letters of legitimation, to be called himself to the succession upon the death of her son. By another league with the Earl of Hartford, the latter, she said, was to marry one of Cecil's daughters, in order to secure his succession to the English throne; and from the mutual support of their respective pretensions, her son's life, if he

were delivered to Elizabeth, would be no obstacle to Murray's accession in Scotland, or to Hartford's in England. When one of these letters was intercepted on the borders and was shewn to Mary, the ready pretext of forgery again occurred ; " that she suspected that a Frenchman, " now in Scotland, might be the author of some " Scotch letters devised in her name¹⁰⁶." The same familiar pretext was afterwards employed on her trial for treason ; that it was easy to forge the hand-writing or the cipher of another, which she was afraid that Walsingham had practised for her destruction ; although the most incontestable proof remains, from her own letter, that she had accepted Babington's offer to assassinate the English queen¹⁰⁷.

11. Of these tedious deductions, in which it Conclusion was necessary to state, or to recite at length, each step of the controversy, the result is decisive : 1. The sole danger to which the queen was exposed in Lochleven castle, was a judicial trial or investigation in parliament, and the consideration, therefore, for which she was required to resign her crown, in order to preserve her life, and if possible her honour, can refer to nothing else than her letters and sonnets, the sole proofs that endangered either. 2. The assurance given by

¹⁰⁶ Haynes, 500 — 3. Robertson, ii. 478. Whitaker, iii. 48.

¹⁰⁷ Murdin, 533. Hume, v. Note Z. Stewart's Life of Robertson.

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Murray of her life, and as far as in him lay, the preservation of her honour, must refer to the same proofs of her guilt; and no adequate reason can be assigned for her resigning the crown to preserve her life, and if possible her honour, but her conscious dread and conviction of the evidence that endangered both. 3. The whole casket was exhibited in the privy council, and the letters inspected by the lords of articles, were produced in open parliament, and confirmed as authentic without opposition from her friends. 4. The original and sole object of the conference in England, was, under the form of an accusation against her rebellious subjects, to vindicate her innocence from the public imputations of adultery and murder, before she could be admitted to Elizabeth's presence, or restored to her throne; if innocent, she was to be restored, unconditionally, by arms; if guilty merely of culpable indiscretions, conditionally by an accommodation; and the conclusion was obvious, and sufficiently understood, that if plainly guilty of her husband's murder, she had no claim for protection or aid. 5. At first she receded, on perceiving that her adversaries might become her accusers, and was only induced to accede to the conference by the vain expectation that they would not venture to accuse their sovereign; by the assurance of Elizabeth's friendship, and from the despair of otherwise obtaining her release. 6. She con-

finer her accusations to their usurpation of the government, when conscious herself that Morton and Lethington *were assenting to the murder*, which they seemed to prosecute; and employed the latter, to whose guilt she was privy, to conciliate the favour of the Duke of Norfolk, and to prevent, by their joint intrigues, the accusation intended by the regent, that she was the chief author of her husband's murder. 7. When furnished by Lethington with copies of the letters, and when informed of the evidence communicated to the English commissioners at York, and of the infamy which in Norfolk's opinion her character would incur if the letters were divulged, she instructed her commissioners not to answer at Westminster to any new allegations, but if the proceedings touched her honour, to break off, and to dissolve the conference, under the pretext of Murray's admission to court. 8. Her commissioners, as a measure of precaution, introduced accordingly an obscure protest, that they were content to treat without prejudice to her honour; but when the accusation was unexpectedly preferred against her, they refused to answer unless their mistress was admitted to Elizabeth's presence, a favour which had been denied from the beginning; and while they applied privately for an accommodation, in order to prevent the charge, they protested against any future proceedings on the same day that the proofs were

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exhibited; and renewed their protestation that the conference was dissolved, when they knew that the letters were already produced. 9. The queen, at that critical moment, when accused of the murder, shrunk from the charge, by dissolving the conference, and ratified, in fact, the authenticity of the letters, to which her refusal to answer constitutes a full and direct acknowledgment of the proofs of her guilt. 10. The letters exhibited to the commissioners, were examined by the privy council, in presence even of her own partisans, and were “compared for the manner of writing, and fashion of orthography, with sundry others, her letters to Elizabeth, long since heretofore written, *in the collation whereof no difference could be found.*” 11. Elizabeth offered immediately to communicate the evidence if she would agree to make a direct answer, without exception; instead of which she attempted merely to recriminate upon Murray, whom she should have accused had she believed him guilty, but maintained a guarded silence concerning Morton and Lethington, when conscious that the one was privy, and the other accessory to the murder. 12. The offer, on a vague application for copies, was conditionally renewed, if she would engage to answer by a written obligation; but her commissioners absolutely refused to answer, under the pretext that Murray, against whom they had nothing to produce, was

permitted to return. 13. Instead of embracing the last opportunity to vindicate her innocence by a detection of the letters, they declined the offer, and broke off the investigation for ever, by a peremptory demand for her departure from England, which they were well assured would not be obtained; the plain and obvious conclusion, therefore, that she recoiled from every inquiry into the proofs of her guilt, and thereby attested the authenticity of the letters of which she was conscious, can admit of no dispute.

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12. The conclusion is confirmed, not invalidated, by her demand to be heard in person, before Elizabeth and the foreign ambassadors, as the scope and nature of her defence, if admitted to an audience, can be distinctly explained. Her design was not to disprove the authenticity, but to prevent if possible the production, of the letters, and to declare her rebellious subjects incompetent accusers, unworthy to be heard against their sovereign prince. Lesly, in his protestation on the 6th of December, represents it as a preposterous order never used in any treaty or conference, nor even in the extreme forms of criminal justice, to receive probation before the other party were heard to answer to the allegiance; more especially in so weighty a cause¹⁰⁸. Lesly, like other churchmen of the age, was bred to the law, which

confirmed
by Mary's
defence.

¹⁰⁸ Goodall, ii. 229.

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he had studied or practised for twenty years¹⁰⁹, and the demand is evidently founded on the Scottish practice of determining the *relevancy* before the proof is received. A denial of the letters was the obvious and indeed the only defence which it was possible to make. But in Lesly's Instructions from the lords and abbots of Mary's party, "gif it beis allegit that her majesty's writing, "producit in parliament, suld preiff hir grace "culpabill, it may be answerit that their is na "plane mention maid in it, be the quhilks her "hienes may be convictit, albeit it were her "awin hand write, as it is not, and als the same "is cullit be thameselves in sum principal and "substantious clauses; and sic allegit privy writings can make na probatioun in criminal causes, "quhilk suld be clearer nor the light of day; "and swa be the said writing nathing can be "inferrit agains hir majestie¹¹⁰." In these instructions, signed by Huntley, Argyle, and eight others, present in parliament when the letters were produced, the faint alternative, *albeit it were hir awin hand write, as it is not*, is explained immediately, not that the letters were forged, but als the same is *cullit* (culled or garbled) in some

¹⁰⁹ Goodall, 387. Anderson, i. 2.

¹¹⁰ Here and elsewhere, Goodall's inaccurate transcript (ii. 361.) is corrected from Anderson's MS. collated with the original of Mary's Register. Cotton Lib. Titus, C. 12.

substantial clauses merely, by the accusers themselves. No reliance is placed, however, on this feeble allegation, but on the legal arguments against the relevancy ; that private letters bear no faith in criminal causes, and that no plain mention is made of the murder, to convict the queen. The forgery is more explicitly asserted in her own Instructions to her commissioners at York, on receiving copies of the letters from Lethington ;

“ In case thay allege thay have ony writings of
 “ mine, quhilk may infer presumption againis me
 “ in that cause, ye shall desyre the principallis
 “ to be producit, and that I myself may have in-
 “ spectioun thairto and make answer thairto :
 “ For ye sall affirm in my name, I never writ ony
 “ thing concerning that matter to any creature,
 “ and gif ony sic writingis be, thay are false and
 “ feinziet, forget and inventit be themselves, onlie
 “ to my dishonour and sclander : And thair is
 “ divers in Scotland, baith men and women, that
 “ can counterfeit my hand-writing, and write
 “ the like manner of writing quhilk I use, as
 “ wel as myself : and principally sic as are in
 “ company with thameselves : And I doubt not
 “ gif I had remained in my awin realme, bot I
 “ wald have gotten knowlege of the inventors
 “ and writeris of sic writings or now, to the de-
 “ claration of my innocence and confusion of
 “ their falzet¹¹¹.”

¹¹¹ Goodall, 342. By the like manner of writing quibilke

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A hand-writing which sundry persons of each sex could counterfeit and write as well as the queen herself, is an extravagant and absurd objection to every comparative proof of the letters. If such persons were in the regent's company, the queen could be at no loss to discover the individuals by whom the letters were forged; and her commissioners could have no motive to prefer the safety of Morton, of Buchanan, or of Lethington, to the defence of her honour. But the best explanation of these, and of the former Instructions, is Lesly's memorial to Elizabeth, December 17th, replete with all the quibbling objections of a Scottish advocate to the *relevancy* of the letters as legal evidence, and maintaining that nothing can be alleged against her to verify the letters, "but presumptions *quæ non sunt adeo vehementes* " *ut contra quos non admittatur probatio in contrarium*, and these not so vehement but greater "presumptions may be deduced to the contrary¹¹²." The opposite presumptions which he proceeds to state are the improbability that so wise a princess, of such renown through Europe, so prudent and circumspect in her conduct, would

I use, Mary undoubtedly meant that many could write the same *Romain* hand; in imitation of Italic print. But her commissioners were left to assert, or to believe if they could, that divers in Scotland, baith men and women, could counterfeit her exact hand-writing, as well as herself.

¹¹² Goodall, 387.

condescend to such a cruel and ungodly deed ; much less that a person of common prudence would commit the fact to writing ; as if prudence were always the concomitant of great crimes : That these and other presumptions of her innocence being more vehement and probable than those of her guilt, *proniores debemus esse ad absolvandum quam ad accusandum*, especially in the cause of princes, of whom Trajan would hear no disparagement, even after their death ; that the contrary presumptions can have no strength, since his mistress constantly affirms, that the letters are forged by her adversaries to colour their usurpation ; “ as thair are sundry “ quha can counterfeit her hand-write quhilks “ hes bein brocht up in her companie, of “ the quhilk there is sum assistants to themselves, as well of uther nationis as of Scottis ; “ as I doubt not bot your majesty and divers “ others of your hienes court, hes seen sundrie “ letters sent here from Scotland, quhilk wad “ not be kend be her awin hand-write, as “ sall presentlie be made knawin that sic thingis “ may be, and hes been usit : and it may be well “ presomit that they quha have put hands on their “ prince, imprisonet her person, and commitit sic “ heinous crimes, gif a counterfeit letter be sufficient to save them, &c. will not leive the “ samen unforgit, *cum si violandum est jus imperii causæ violandum est*, and so it being dis-

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“ allowit be the allegit writer, the presumption
 “ suld be the greater for her innocence nor to
 “ repute her majestie culpabill for sic frivole and
 “ vain allegit writingis¹¹³. ”

If her hand-writing had been counterfeited by sundry Scots and others even of the regent's assistants, a single proof of such forgery having ever been practised, might have sufficed for her vindication. But the strange assertion, that Elizabeth and her court had doubtless seen sundry letters from Scotland, not to be distinguished from her own hand-writing, amounts in fact to a disavowal of every former letter with which the present had been compared, in order to support the absurd conclusion, that her mere denial should outweigh the opposite affirmation, that the letters, produced as positive proofs of her guilt were authentic, without examining whether they were authentic or not. Lesly accordingly proceeds to depreciate all proofs whatsoever of the letters. “ And in caise hir adversaries will affirm
 “ it to be hir awin hand-writing, they are nather
 “ lachful accuseris nor witnesses, being first ac-
 “ cusit of sic greit crimes as imprisoning of
 “ their prince, and sic other hainous doings as
 “ they are culpabill of, and hir majestie wald lay
 “ to their charge, gif hir hieness war present;
 “ quhairoff they sould first purge themselves or

¹¹³ Goodall, 388—89.

“ they either by law or reason be admitted to
 “ accuse any private person, lat be their prince ;
 “ and gif thay wald press to verify the samen be
 “ comperison of letters, the samen is na way suf-
 “ ficient, *cum de jure fallacissimum genus pro-*
 “ *bandi fit per comparationem literarum*, quhilk
 “ requires mony infallibill reasouns, or it be found
 “ sufficient to verify, as be authentick writings
 “ publishit, undoubtit, and not denyit, with mony
 “ utheris contenit in the laws quhilk in this case
 “ will not be found. For the allegit writings are
 “ na ways authentick, nor can make any kind of
 “ faith or presumption, in respect thai are writ-
 “ ings in forme of missive letters or epistles,
 “ quhilk makes na faith, specially quhairin the
 “ same, no words disposing or giving express
 “ command are contenit, as in this may be seen ;
 “ and alswa they are not *subscribit* by the allegit
 “ writer thereoff, nor *seillit* nor *signetit* : and
 “ contains na dait of year month or day, nor yet
 “ direct to na man ; and in the samen their is
 “ mention made of ane beerer, as is allegit, quha
 “ was never yet knawn, as did receive tham
 “ from hir, or delivered tham at hir command to
 “ any uther in the warld¹¹⁴.”

Here it appears that he knew minutely the contents of the letters, from the copies which Le-

¹¹⁴ Goodall, 389. On this occasion Goodall's inaccuracies are corrected from the original.

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thington had transmitted to the queen. As the day of the week (Saturday) is annexed only to a single letter, he affirms that they contain no date of year month or day (of the month): as Paris is only twice named; and was not then apprehended, he asserts, that the bearer mentioned in the letters was never yet known to have received or to have delivered them by her command. To her adversaries he objects, that they were neither lawful accusers nor witnesses, till acquitted of usurpation and other crimes of which the queen would accuse them; when the letters were expressly produced as a complete exculpation from those crimes. He declares that her hand-writing had been frequently counterfeited, yet dares not to specify by whom, or when; and he affirms that the letters were forged, yet deprecates a proof *comparatione literarum*, which as being fallacious or insufficient to constitute legal evidence, he expressly declines. His defence rests upon the most contemptible objections to the *relevancy*, or admission of the letters as evidence; namely, that deeds in the form of missive letters, bear no faith in judgment, and that the letters in question contain no *dispositive clause*, or express command to commit the crime, and are destitute of those legal solemnities or public forms which the law requires; that they are neither signed by the alleged writer, nor sealed nor signeted (that they had neither passed the great or privy seal,

nor the royal signet), and are without date, direction, or the name of the bearer, who was not yet discovered; and from letters deficient in those legal forms, he infers that nothing can be proved against a private individual, much less against a sovereign prince. These, and other very probable and reasonable defences, and accusations against her adversaries, he concludes that his mistress would propose, if admitted to Elizabeth's presence¹¹⁵, from which we discover the scope and extent of her whole defence. If admitted to an audience, her defence would have terminated in the most futile presumptions of her own innocence; the most frivolous objections to the production of the letters or to comparison of them with her former writings: and when these were overruled, the conference would have been dissolved by a protest or appeal to the foreign ambassadors upon these grounds; that private letters were not admissible as legal evidence, and that

¹¹⁵ He adds, "that albeit thair be sum slicht presumptiounis alledget, quhilk mucht seme to mak sumquhat againis my soverane, zit the samen are not sufficient to induce ony kind of pruiſ aganis hir majestie, especiallie quhair as vehement and greiter presumptiounis appeir in the contrair." Goodall, 390. Those slight presumptions were, her letters to Bothwell; the more vehement presumptions to the contrary were, that private letters are not like public instruments, legal evidence. According to Lesly's argument, nothing less than letters under the privy seal or signet, could convict the queen of adultery and murder.

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her rebellious subjects were neither competent accusers, nor worthy to be heard against a sovereign prince. In Lesly's Defence of Mary's Honour, the same presumptions and objections are resumed. He declares that the letters are forgeries, yet maintains that they have nothing criminal in them; he demands, and at the same time decries a proof *comparatione literarum*, as of all others the weakest and most inconclusive¹¹⁶. But the absurd arguments to which he resorts, that missive letters bear no faith, especially as they contain no express injunction to commit the murder, nor the solemnities requisite in public deeds, are in fact the strongest attestation that the letters were genuine, of which he declined a comparison with her former writings; of all others the most incontestable proof of their authenticity, and undoubtedly the most obvious means of detection.

¹¹⁶ Anderson, i. 21.

CHAPTER IV.

The Letters.

HERE then I may securely rest. Instead of proceeding to a critical examination of the letters and sonnets, I might admit for once, that whatsoever Mary's apologists have asserted is true, and whatever evidence her opponents have produced is false. Let us therefore admit for a moment, that her adversaries have produced two caskets, when there was, in fact, but one, which instead of letters, sonnets, or contracts, contained the jewels of which they had despoiled the queen, on her removal to Lochleven¹. Let us admit that the letters were not intercepted on the 20th of June, nor Dalglish the supposed bearer, apprehended till the 18th of July; because his name is not once mentioned by Throckmorton till then². Let us believe that the idea of the forgery did not occur till the 24th of July, above a month after the date assigned for the discovery of the letters; that the first design was to implicate Mary in the murder of her husband, but that it was altered in a subsequent draught of the let-

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Preliminary objections to the letters

stated.

¹ Whitaker, i. 210.² Id. 245—97.

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ters, and confined entirely to her adultery with Bothwell³. Let us also admit that the letters were forged a third time on the 4th of December, when they were produced in the privy council to the number of four or five, in the Scottish language, with subscriptions, dates, directions, but without the guard or imprisonment of a seal, as Mary retained her own signet in Lochleven Castle⁴: that they were forged anew, before the parliament met on the 15th, in order to withdraw the signatures and directions to Bothwell⁵; and that in July 1568, the same letters were sent to England as translations from the French, when the idea of a French original was first adopted⁶. Let us suppose that the French sonnets were forged in July, and the contracts in September, to support the evidence of the adulterous letters, and believe that these letters were produced at York, to the number of five, in their original Scotch, dated half at Glasgow, half at Stirling⁷; but that they were again forged in the interval between the two conferences, and were produced at Westminster, in the French language, and without any dates⁸. Let us farther admit that their number was still five, on the 8th of December, as of seven French writings, then produced, there were five letters, the

³ Whitaker, i. 348—72. ⁶ Id. 496.⁴ Id. 361—9—410.⁷ Id. 486—509—13.⁵ Id. 377—401.⁸ Id. 415—95—511.

sonnets, and contract; but that others just appeared on the 7th, and were again withdrawn; and that three additional letters were afterwards forged, as eight letters were afterwards published⁹. In short, let us allow with Goodall, that a man might easily forge an hundred of the queen's subscriptions in a single day¹⁰; or with Camden, that Lethington privately intimated that he had counterfeited the queen's hand more than once; or with Whitaker, that it was almost as easy to execute, and to repeat the forgery, as to assert that the letters had been five times forged. Still, however, when these assertions are all admitted, her refusal to answer, unless to the *relevancy*, when copies had been twice offered, if she would return a direct answer to the letters themselves, constitutes a full acknowledgment that the supposed forgeries were her genuine hand-writing, the authenticity of which she was unable to dispute.

1. But the supposition of such multiplied forgeries is absurd. Her adversaries were too eager and intent on her guilt, to involve themselves in a long train and repetition of forgeries, so exposed to detection, when a single concise fabrication would have sufficed. A critical examination of the letters, sonnets, and other evidence, is an un-

⁹ Whitaker, i. 448—50—60. To those conclusions, stript of all declamation, I have reduced the greater part of the first volume of Whitaker's Vindication.

¹⁰ Goodall, i. 51.

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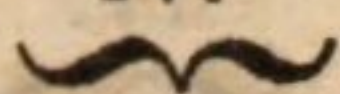
gracious task which I would wish to decline ; but as every work ought to be complete in itself, I engage with reluctance in a contest with writers whose scurrilous invectives are founded upon a perversion of the plainest facts. For instance, nothing can be more distinct and explicit, than the declaration of Paris concerning the two caskets, with the exception of a short conversation the day after the murder, “ La Royne ne lui
 “ dict chose de consequence, jusques a ce qu’elle
 “ voulloyt aller a Seton, alors elle luy commendast
 “ de prendre une cassette ou il y avoyt des corce-
 “ letz d’escus, que le thesaurier luy avoit apporté
 “ de France, pour la porter à la chambre de Mon-
 “ sieur de Bodwel, qui estoit a ceste heur la loge
 “ dedans le palais, au dessus de la chambre la ou
 “ se tenoit le conceil. Et puis apres lui comman-
 “ dast de prendre son coffre *des bagues*, et les fair
 “ porter, au chasteau, et les delivrer entre les mains
 “ du sieur de Skirling, *pour lors* capitaine
 “ soubz Monsieur de Bodwel, chose qu’il feist¹¹.”

A casket containing French crowns was sent to Bothwell’s chamber, on the 21st of February, when they went to Seton ; afterwards the box with her jewels was sent to the castle, where the Laird of Skirling commanded for the time ; and in this there is no contradiction whatsoever. The one casket naturally introduced the idea of the

¹¹ Paris’ second declaration. Appendix.

other, which was lodged in the castle at a different period, after their return from Seton ; and, as we discover from Birrell's Diary, that the castle was surrendered by the Earl of Mar, not to Sir James Balfour, but to Cockburn of Skirling, Bothwell's deputy, on the 21st of March¹², when the box of jewels was deposited there, the circumstance supposed to discredit the confession of Paris, is in fact a strong confirmation of its truth. The casket of letters, as already shewn, was lodged by Bothwell among his papers in the castle, when he carried the queen thither from Dunbar ; while the box of jewels would necessarily be removed for the decoration of her person, when she returned to the palace on the eve of her marriage. As no minutes of council were then taken, no mention of the box of letters, or of Dalgleish the bearer, could occur in its records, till an act of council was pronounced upon the subject. But the deposition of Powrie is dated on the 23d, that of Dalgleish on the 26th of June ; and a proclamation was issued, on the same day, for apprehending Bothwell ; " of the quhilk murther, *now be just tryell taiken*, " he is found, not onlie to have been the inventer " and deviser, but the executor with his awin " hand, *as his awin servants*, being in companie

¹² Birrell's Diary, 7. " Who was the wretch," says Whitaker, " who had the command of the castle ?" Sir James Balfour, he replies ; and on this supposition, the whole confession is rejected as forged. Whit. i. 226.

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“ with him at that unworthie deid, hes testifiet.”

As another act of council was passed next day, directing the Blackaders and others, who had confessed nothing, and were certainly not guilty, to be put to the torture, the proclamation of the 26th can allude to nothing else than the testimonies of Powrie and Dalgleish¹³.

They re-
fute them-
selves.

But Throckmorton, who did not arrive at Edinburgh till the 12th of July, takes no notice till the 18th, of the seizure and confessions of Dalgleish and Powrie: Therefore, they were not apprehended till then¹⁴. The letters, of which he had previously obtained information, are first mentioned in his dispatches of the 25th: Therefore, they had no previous existence, nor did the first idea of the forgery occur, till then¹⁵. In the same dispatches he observes “ that the confederates mean to charge the queen with incontinence, both with Bothwell and others, having as they say sufficient proof; and with the murder of her husband, whereof they have as apparent proof as may be, by the testimony of her own hand-writing:” Therefore, the first draught of the forgery was framed to charge her, not with adultery, upon which they are now explicit, but with the murder of her husband, on which they are silent; since Lesly affirms that

¹³ Anderson, i. 140. Keith, 407.

¹⁴ Whitaker, i. 295. Robertson, ii. 438.

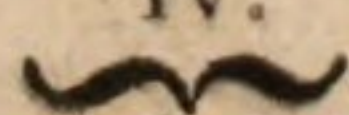
¹⁵ Whitaker, i. 316—77. Keith, 426.

they contain *no word disposing, or giving express command* to commit the crime¹⁶. The letters, sonnets, and contracts produced in council were (the former) written and (the last) subscribed with the queen's hand: Therefore, they were originally fabricated with subscriptions, and as it was well known to whom they were addressed, they were also forged with directions to Bothwell¹⁷; as if, on the supposition, that the letters were genuine, the apologists durst assert that they were not addressed to Bothwell, or that the queen was not guilty of adultery, nor accessory to the murder. The four letters preceding the murder, were evidently written at Glasgow, and the Kirk of Field; the others at Stirling, or on the road from thence; but as Murray knew, and as the commissioners at York were informed in general, where they were written, they were therefore originally forged with dates¹⁸. Lesly, in his memorial to Elizabeth, and again in his Defence of Mary's Honour, objects to the letters, that missives destitute of the legal forms bear no faith, especially if they are neither directed, dated, nor subscribed by the writer, neither sealed nor signeted¹⁹; (attested neither by the privy

¹⁶ Whitaker, i. 364. ¹⁷ Id. 381. 401.

¹⁸ Whitaker, i. 410—15.

¹⁹ It is written, *signed*, in the Defence of Mary's Honour; a natural mistake of Dr. Good's, who, turning the Scotch into English, could make nothing of *signeted*, a seeming

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seal, nor by the royal signet :) The letters were therefore exhibited, as if they had been transmitted open, without the common guard or precaution of a seal²⁰. As the language is not once mentioned by Throckmorton, in the slight intimation which he gives of the letters; they were therefore written originally in Scotch: as diverse her privy letters are mentioned in the acts of council and of parliament; therefore there were four or five at the utmost; and as the letters are not expressly stated in those acts as written in French, the language therefore was still Scotch²¹. They were sent to England as copies translated from the French, but as the extracts made by the

repetition of *sealed*. He informs us, therefore, that the letters were neither subscribed, sealed, nor signed. Anderson, i. 18. Pref. 11. Lesly's objection is founded on the legal forms observed then in Scotland, when private deeds were both signed and sealed by the parties, and public instruments were subscribed by the writer, before they passed under the privy seal or signet.

²⁰ This absurd objection, which Goodall first suggested, but was ashamed to explain (i. 43.), is caught at by Whitaker (i. 369.), who distinguishes between *seillet* and *signet*; that the letters were neither attested by her seal at the bottom, nor secured by her seal on the outside. These technical words, of which he was ignorant, were better understood by Blackwood, who translates Lesly's defence, "neither sealed nor signed" (signed) *ny signees ny scellees*, where *scelle* applies only to the seals of chancery or courts of law. Jebb, ii. 243.

²¹ Whitaker, i. 446—87.

commissioners at York, were from the Scottish copy, that language was still the original; and as extracts were taken from three, and a fourth was quoted, which is now supposed to be lost, their numbers therefore were still five at the utmost²². Their French garb, was not assumed till they were forged anew, and produced at Westminster²³; but according to the same argument, Murray's receipt for the casket, on his leaving Scotland, and his declaration on procuring the letters at Westminster, should prove that those French originals were still Scotch, as the language is not once mentioned in either; and Morton's receipt for the letters, two years afterwards, ought equally to prove that they had returned to their original Scotch again.

²² Whitaker, i. 447—503—7. Here Whitaker mistakes the "Notes drawn forth of the queen's letters sent to the Earl Bothwell" for the "Abstract of matters shewed to the queen's majestie's commissioners by the Scots." It is obvious from the language, that the Notes drawn forth of the queen's letters, are extracts made by the Scottish commissioners, and whether they were produced at York or not, is uncertain. But the abstract of matters, or "Brief note of the chief and principal points of the Queen of Scots' letters written to Bothwell, &c. as far forth as we could by the reading gather," is the paper to which the English commissioners refer as enclosed in their dispatches from York, October the 11th. Anderson, iv. 63. See Appendix, No. XXI.

²³ Id. 510. Anderson, ii. 257—9. Goodall, ii. 91.

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Removed
by a fair
explana-
tion of the
fact.

To state such arguments is sufficient for their refutation; and every difficulty so industriously created, may be removed by a fair explanation of the fact. We have discovered an early copy of the letters translated into Scotch, apparently for the Scottish Parliament, and produced at Westminster along with the French originals, with which it was diligently collated and made to accord. Murray had already intimated, in the note transmitted by Middlemore, in June 1568, that the originals were in French and the copy in Scotch. That he should produce the Scottish copy, however, as the originals at York, and the French as the originals, to the same commissioners among others, at Westminster, is a supposition equally absurd with another; that Norfolk and his colleagues were unable, within the space of two months, to distinguish the Scotch that had been communicated as originals at York, from the French originals produced at Westminster. As additional absurdities, we are required to believe, that the sonnets were forged in French, to support the credit of the Scotch originals produced at York; and that the same letters were produced in Scotch upon the 7th, and in French upon the 8th of December, as different originals, to the same commissioners, who collated one forgery with another, without detecting this double deceit²⁴. But the Scottish

²⁴ Whitaker, i. 103—557.

copy, from which the extracts were taken, was undoubtedly communicated as a translation, at York as well as at Westminster, when “ Murray
“ and his colleagues, according to the appoint-
“ ment *yesterday*” (Tuesday, December 7th, of which the minutes are lost), “ came to the queen’s
“ majestie’s commissioners, saying that as they
“ had *yesternight*, produced and shewed sundry
“ writings tending to prove the hatred which
“ the Queen of Scots bare towards her husband
“ to the time of his murder; wherein also they
“ said might appear sundry arguments of her
“ inordinate love towards the Earl Bothwell, so
“ for the further satisfaction both of the queen’s
“ majesty and their lordships, they were ready
“ to produce and shew a great many other letters
“ written by the said queen, wherein as they
“ said might appear very evidently her inordinate
“ love towards the said Earl Bothwell, with sundry
“ other arguments of her guiltiness of the murder
“ of her husband. And so thereupon they pro-
“ duced seven several writings, written in French,
“ in the like Romain hand as others her letters
“ which were shewed *yesternight*, and avowed
“ by them to be written by the queen. Which
“ seven writings, being copied, were read in
“ French, and a due collation made thereof, as
“ near as could be, by reading and inspection,
“ and made to accord with the originals, which
“ the said Earl of Murray required to be re-

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“ delivered, and did thereupon deliver the copies
“ being collationed²⁵. The copies which Murray
delivered, of the seven writings read in French,
were the Scotch translation afterwards published;
and if different from those that are described in
the minutes of the 9th, “ as duly translated into
“ English,” they are the same with those produced
on the 14th to the privy council, along with the
originals; “ of all which letters and writings,
“ the true copies are contained in the memorial
“ of the sessions of the 7th and 8th of Decem-
“ ber²⁶.” The copies were therefore produced
with the originals at Westminster, upon the 7th
and 8th; and the inference obviously is, that the
same copies, translated into Scotch, were com-
municated along with the originals at York. The
sundry writings produced upon the 7th, “ tending
“ to prove the hatred which the Queen of Scots
“ bare towards her husband to the time of his
“ death, wherein also might appear special ar-
“ guments of her inordinate love towards the
“ Earl of Bothwell,” correspond with the titles
of the three first letters in Buchanan’s Detection,
and are undoubtedly the same. The first is en-
titled, “ Ane letter proving hir hate to hir hus-
“ band and sum suspicious of practising his
“ death;” the second, “ concerning the hate

²⁵ Anderson, i. 150. Goodall, ii. 235.

²⁶ Goodall, ii. 256. Anderson, iv. 172.

“ of hir husband and practise of his murder ;” or the long letter which we are assured was produced upon the 7th ; the third, “ concerning “ certain tokens that she sent to Bothwell,” or rather, “ of hir love to him,” according to a different arrangement in the Latin edition. Instead of being other letters just appearing, and again disappearing, they were produced with the Scotch contract written by Huntley, and with Bothwell’s trial, which is still extant ; and in the minutes of the 14th, they are so expressly referred to by the privy council, as produced and contained in the minutes of the 7th, that it is impossible, without an absolute perversion of the fact, to represent them as a series of letters just appearing and then suppressed²⁷. The seven several writings which, for farther satisfaction, were produced upon the 8th, were the five remaining letters, in the like *Romain* hand with those on the 7th ; the sonnets, which were considered as one writing in the manner of a sonnet, and the French contract, which was also written in the queen’s hand. Eight letters were at least produced upon the 7th and 8th ; and the exact number afterwards published, is attested by Murray’s Instructions to the Abbot of Dumfermline, October the 15th, 1569. “ We producit eight letteris in “ French, written be the queen’s awin hand, two

²⁷ Whitaker, i. 458.

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“ contractis, &c.; the copies of all quhilk letteris,
“ conferrit, red, and considerit, were deliverit to
“ Mr. Secretary in quhais handis they remane²⁸.”

The Scottish copy produced at York was delivered by Murray when the originals were examined, and the same number of letters is discovered, two years afterwards, in Morton's receipt for the box, “ with the missive letteris, contractis, or ob-
“ ligatiounis for marriage, sonnetis or luif bal-
“ lettis, and utheris letteris thairin contenit, to
“ the number of XXI pecis within the samin²⁹.”

Here the sonnets are enumerated in the plural; and eleven sonnets, (the six concluding lines being reckoned a part of the eleventh,) two contracts and eight letters, form the exact number of twenty-one *pieces*, contained in the box. It appears, therefore, from a fair explanation of the fact, that the precise number of eight letters afterwards published, were produced at Westminster upon the 7th and 8th; that the Scottish translation communicated at York, was the copy left with Cecil, from which the letters were afterwards printed; and that after the originals had been restored to Murray, the same number of eight letters was still extant at the time of his death, when the casket was transferred to Lennox, and delivered to Morton (January 22, 1570-1) on his journey to England.

²⁸ Goodall, ii. 87—88.

²⁹ Goodall, ii. 91.

2. It is impossible to fix the supposed forgery upon any one of the different persons to whom it has been ascribed. As it was necessary for Mary to disavow the letters, her commissioners were instructed to affirm that they were forged, and that there were diverse of each sex in Scotland, especially of those in company with her adversaries, who could counterfeit and write the queen's hand, as well as herself. This strange assertion, so apparently false, is repeated in Lesly's memorial to Elizabeth³⁰; but of those who could write and counterfeit the queen's hand, none were ever named, even in his Defence of her Honour. When the letters were published, the anonymous author of *L'Innocence de la Royne d'Ecosse*, affirmed, in 1572, that a certain nameless lady then alive, had confessed in secret to a nameless friend, that, at the instigation of Murray, Morton, and others, to whose councils she was then admitted, she herself had written, framed, and composed the letters; protesting that whatever was said therein against the queen was false, supposititious, detestable, and calumnious³¹. Blackwood, improving upon these assertions, assigns, in 1587, a long harangue to Mary's commissioners, as the defence employed for their mistress at the conference. In order to

The for-
gery fixed
on no one.

³⁰ Goodall, ii. 342—88. ³¹ Jebb, i. 524.

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IV.

disprove the authenticity of the letters to Bothwell, they affirm, according to this defence, that when Huntley was imprisoned in Dunbar, Murray dispatched counterfeit letters, in the queen's name, for his immediate execution: and having actually produced these letters at the conference, together with others of the same stuff, forged by Murray and his associates, who were confounded and knew not what to reply³², they pro-

³² “Tenez & regardez, ie vous prie, voila les lettres. Et en ce disant leur mirent lesdites lettres entre les mains, & quelques autres de mesme estoffe, contrefaites par Mourray & ses complices, dont ils se trouverent bien confus & ne sceurent que repliquer.” Jebb, ii. 243. Afterwards, to prove the marriage with the murderer of her husband compulsive, he tells us that Mary's commissioners produced at the conference letters from Murray, “Tenez, lisez, voila les lettres de Mourray s'en allant en France,” advising her to marry Bothwell, and threatening the greatest inconvenience if she refused; and that they also produced, in the course of their defence, the bond of the nobility to Bothwell, signed, if not written, by her accusers themselves, id. 247. After such gross and impudent fictions, it is ridiculous to appeal to Blackwood's veracity, who adopts from *L'Innocence de Marie*, the forged warrant for Huntley's execution, which he has not failed to introduce into the conference. Whitaker, ashamed perhaps of such wretched authorities, quotes the story from Crawford's Lives of the Officers of State, who quotes it from Gordon of Straloch's MS., who had it from his father, the Laird of Pitlurg, who lived at the time; and to reject such evidence is to reject half the history of mankind. Whitaker, iii. 5. That Murray procured a blank

ceed to state, that the hand-writing of Mary Beton, one of her maids of honour, could not possibly be distinguished from the queen's. Blackwood had the best access to information from Beton, her ambassador at Paris. But such wretched fictions, stated as actual transactions at the conference, demonstrate that for sixteen years after the letters were published, the supposed forgery could be fixed upon no particular person, during Mary's life. The forgery is ascribed by Blackwood, not to Mary Beton, but, with some hesitation, to Sir James Balfour, because the casket was left in his custody³³; and by others to Buchanan, because the letters were published as an Appendix to his Detection of the

warrant, which he filled up with an order for Huntley's execution, appears from Marjoribank's Annals, (who died in 1591. MS. Advocate's Lib.) to have been a popular rumour among Mary's adherents. That it was utterly false, appears not only from Lesly's, but from Huntley's uniform silence, in the Instructions of the Lords and Abbots, wherein he accuses Murray of having put some noblemen (his father) to death; "destroying their bairns, (his elder brother) their houses and memory; caused others (Bothwell) to be banished the realm; and put other noblemen (himself) in prison, and detained them there." Goodall, ii. 358. Neither he nor Lesly would have been silent on a story so injurious to Murray, and essential to the queen's vindication, had they known it then.

³³ Jebb, ii. 243.

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Doings of Mary. But the learned Camden first informed the world, in 1615, that Lethington had privately hinted to the commissioners at York, that he himself had counterfeited the queen's hand more than once. Camden's information is supposed to be confirmed by Crawford's Memoirs, "that it was notoriously known, " Lethington, by his own confession, had often " counterfeited her hand-writing;" but Crawford's is the only forgery concerning which there can be no dispute. Neither the original manuscript of the History of James VI., nor Melvil's Memoirs contain the least intimation of the letters; and it now appears that the fact was transcribed by Crawford from Camden's Annals, and inserted in his Memoirs as the contemporary evidence of some writer unknown³⁴. Camden, a servitor at Magdalen College, Oxford, was not then seventeen, and could possess no personal knowledge of the fact, which is advanced in his Annals, in the most apologetical form. " His " auditis, (Murray's answer at York,)—quæcun- " que hactenus prolata, testibus non essent mu-

³⁴ Crawford's Memoirs, 108. Such is the contemporary evidence on which Tytler (i. 101.) and Whitaker (i. 108. iii. 47.) rely so much for a proof of the forgery. Goodall knew better than to appeal to Crawford's Memoirs, though he made no scruple to promote that imposture.

“ nita, sed suspectæ fidei literulis ; et Liding-
 “ tonius clam innuisset, se sæpius reginæ charac-
 “ teres ementitum esse.”—“ Epistolis vero et
 “ carminibus (cum nomina, subscriptiones, nota-
 “ tio temporis deessent, et ubique plures sint fal-
 “ sarii, qui aliorum characteres tam scite assimi-
 “ lare et exprimere norunt, ut veri ab ementitis
 “ non internoscantur) Elizabetha vix fidem ad-
 “ hibuit³⁵.” Camden could not venture directly
 to assert that Lethington had actually acknow-
 ledged the forgery in question. But he inti-
 mates that Lethington gave the commissioners
 secretly to understand, that he had often counter-
 feited the queen’s hand ; no doubt as an indirect
 proof, that the letters might have been forged by
 himself or others. Not relying, however, upon this
 secret confession, Camden on his interpretation,
 resorts to Lesly’s absurd objections, in order to sup-
 port an assertion of his own, that Elizabeth hardly
 gave credit to the letters, as they had no address,
 subscription, nor date, and as many persons were so
 expert at forgery, that it was impossible to distin-
 guish whether the letters were genuine or not.
 But the sole authority hitherto discovered, for
 Lethington’s confession, is Norfolk’s apology for
 his intended marriage, that Lethington “ moved
 “ him to consider the queen as not guilty of the
 “ crimes objected.” If Lethington had in fact
 undeceived the duke, or had convinced him of

³⁵ Camden’s Annals, 143—5. 1st edition.

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her innocence, he must have revealed the whole forgery; and whether he avowed the letters himself, or ascribed them to another, there was certainly no necessity, then or afterwards, to conceal the author; but on the contrary, every inducement to point him out, and denounce him by name, for the vindication of the queen. That a secret partisan, who had furnished Mary with a copy of the letters, should acknowledge the fabrication, and at the same time should repeat the forgery again in French, is one of those conclusions that confute themselves. But if it were possible to believe, that during the conference at York, Norfolk and Lesly were more anxious for Lethington's safety, than for the queen's reputation, there was no inducement at Westminster to conceal his confession, when the forgery was renewed in French; much less after his death, when Lesly, in 1580, republished his Defence of Mary's title to the English throne.

Camden's
authority
examined.

3. Camden's authority may be traced distinctly to its source. His Annals were begun in 1596, at Cecil's desire, (though discontinued after the death of Elizabeth), and from the original materials to which he was admitted, we may believe that their complexion would have been very different, had they been published during the life of that statesman. When the two first volumes of Thuanus's history were published at Paris, Casaubon, whom James had invited into England, was

directed to persuade that historian to retract the errors derived from Buchanan, and Sir Robert Cotton was employed to compile authentic memoirs for his use. Camden's unfinished Annals were delivered to Cotton, to be communicated to James. It appears that they formed a principal part of the memoirs of Elizabeth's reign, transmitted to Thuanus in ten books to the year 1573, in which each circumstance has been diligently examined, and the whole revised, corrected, and amended by the king himself³⁶. No man living, says Casaubon, was better instructed in those transactions, and if there was any certainty in human affairs, Thuanus had now obtained a substantial author, to whom he might give the most implicit credit. He was assured that every circumstance in the ten books was indisputably certain, and was desired to revise and amend his history, in order to recall what was false, and to insert in a new edition the true narrative of Mary's conduct³⁷. But the king was incensed

³⁶ Thuanus, i. 44. London, 1733.

³⁷ "Rex ipse, quo nemo est hodie callentior istarum rerum, singula recenset, atque ad exactissimam veritatis trutinam exigit, missurus statim ad te, ut veram narrationem tuæ historiæ inseras, falsam et calumniarum plenam regicias.—Serenissimus rex, audito accepisse te historiam a se missam, lætus ea nuntio, jussit serio tibi confirmare, omnia esse vera, quæ decem illis libris continentur.—Ego illam videre non potui; sed constat mihi regem ipsum, quo nemo vivit hodie

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at an inaccurate report of Thuanus's answer; that much of what he found in the memoirs, was of doubtful credit, especially as Colvil, a Scottish priest in whom he confided, called the whole in question; neither could he persuade himself that Murray was not a man of singular integrity and prudence; nor could he adopt the memoirs, unless James himself should attest in writing such facts as he was required to believe and to transcribe. The king was particularly surprised and indignant, that the testimony of a few rebels and traitorous refugees, should have more weight with Thuanus, than his own evidence and that of all Scotland besides; and Casaubon assured his friend, that Buchanan's History and other libels had been condemned by the Scottish parliament, long before they were rejected by James³⁸: nor did he estimate Murray's character from uncer-

harum rerum peritior, omnia legisse, expendisse, correxisse. Itaque si quid in humanis rebus potest esse certi, habes auctorem locupletem, cujus fidem ἀναμφισβήτητως sequi possis. Optat ejus majestas, ut tuam historiam recenseas, et quæ ex ista didiceris emendationis opus habere, emendes." Id. 44-5.

³⁸ "Buchanani historiam et id genus narrationes non a se primo damnatas, sed, juvene se et vix dum decimum quartum vel quintum annum agente, decreto parlamenti Scotici, uti vocavit, et historiam illam et libellum illum famosum læsæ majestatis esse postulatos et damnatos." James was then within a month of eighteen, and in a letter written apparently under his own inspection, Casaubon, who repeats his words, must have been purposely misinformed of his age, in order

tain rumours, or light conjectures ; but from transactions better known to himself alone, than to any other man. He had inspected the public records with care, had weighed and examined each circumstance diligently, in short had omitted nothing to detect the latent truth of events³⁹ ; and Thuanus was admonished, that unless he adhered to his engagement, to insert the memoirs in his next edition, the king would print them himself, not only to vindicate the honour of his mother, but to expostulate publicly upon the injury which he had received. Thuanus endeavoured to explain his words to the king's satisfaction⁴⁰, and requested the continuation of the memoirs in vain. He was informed privately by

to persuade Thuanus, that he had no personal influence in the condemnation of Buchanan's works by the Scottish parliament. Id. 46.

³⁹ “ *Morræi ingenium et mores non æstimat rex ex incertis rumoribus, aut frivolis conjecturis, sed ex rebus gestis, quarum veritas sibi uni melius sit comperta, quam cuiquam mortaliū. Acta publica se cum cura inspexisse, singula diligenter expendisse, nihil denique prætermisisse, quo certius ad veri sæpe in abdito latitantis cubile perveniret.*” Ibid. These passages ascertain the fact, that the memoirs transmitted to Thuanus, were examined, corrected, and amended by James himself.

⁴⁰ He had merely wished such passages to be pointed out in his History, as he was required to expunge or explain in a new edition, which he doubted whether the printer would undertake till the first should be sold ; and he had applied to Colvil, as to a man who from religious animosity, was not

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Casaubon, that the remaining history, which Cotton composed in English, was translated into Latin by Camden⁴¹; who has also explained, in a letter to Thuanus, his own share in the former

likely to favour Murray, in order to know whether the latter was suspected in Scotland of any concern in the murder. It is evident that Thuanus, who had tried Buchanan's writings by the evidence of different Scotsmen present at the transactions; "rem ut ex Scotorum, qui interfuerant, sermonibus didici, ita literis mandavi; et ad eorum fidem scripta a Buchanano expendi," (id. 41) entertained the greatest distrust of the memoirs which he received from James. Whether he was deceived by Camden's first representation of Scottish affairs, is an old and absurd controversy from which I abstain. Camden had only recommended moderation in his correspondence on the subject, but when Thuanus, in the letter just quoted (August 1606, see Appendix, IV.) had vindicated his view of Darnley's murder, by the most cogent arguments, it is observable that Camden, so far from opposing, or blaming his narrative, wrote, on perusing the volume; "Temperamentum in rerum Scoticarum narratione prudenter sane servasti, dum calamum ab omni insectatione continueris. Rex tamen noster, Buchanano infensissimus, Moravium noxæ maxime damnat, ut maternæ calamitatis fontem et fundum, idque a secretorum eo ævo participibus edoctus, ut fertur, *auctorque est, ut inaudio, cuidam, ut matris vitam describat; quam tamen editurum haud facile credo.*" Id. 42, November 1607. Camden apparently had not then differed in opinion from Thuanus, but the opinions which he ascribes to James are precisely those that were afterwards inserted in his own Annals.

⁴¹ "Respondit (Cottonus) se totum in eo esse, ut cœptam historiam absolvat, quam ipse Anglico sermone componit,

Memoirs: That at the Earl of Northampton's request, the outlines of his unfinished Annals, which he meant to have printed abroad, without his name, for the benefit of Thuanus, had been imparted to Cotton, above a year before (1611), in order to be communicated to the king⁴²: that he had resigned them entirely to Cotton, to be used at his discretion; but he wished that they had been transmitted to Thuanus in a more polished form, as many passages, in a copy which he had lately seen, were maimed and mutilated, with large chasms, and words altered by an audacious transcriber; that Thuanus knew best, from the king's instructions, to what purpose they ought to be applied⁴³, nor did he expect the

Camdenus Latinam facit." Id. 48. This is Cotton's answer, not Casaubon's information merely.

⁴² "Commentarios D. Cottoni, quos tibi ab anno, quo primus tuarum historiarum tomus primum *prodierit*, *destinatos*, ad tuas manus bono fato pervenisse—tacitus gaudeo.—Illos, (nec me composita fabulari existimes,) anno 1596, auctore et suasore Cecilio Burghleio, Angliæ quæstore, inchoavi,—quos in Germania, nomine suppresso, imprimere, tibi que inscribere destinavi, ut tu inde, quæ visum, decerperes. Ecce autem cum vix prima lineamenta duxerim, necdum ad finem pervenerim Comes Northamptonius mihi obviis rogavit, ut protinus Roberto Cottono impertirem, qui regi communicaret, regem enim percupere ut legeret. Dicto obtemperavi, et omnia, quæ descripta habui, ne relecta quidem, nedum recognita, Cottono tradidi, et sui juris arbitriique feci;" id. 49.

⁴³ "Plurima observavi manca, mutila, hiulca et verbula

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whole to be inserted, but believed that much would be omitted, of what was amusing or instructive for his countrymen to learn. Thuanus acknowledged, what he knew not till then, that the chief part of the Memoirs belonged to Camden, on whose authority the most material passages of the present Annals were transferred into a new edition of his history, not to supersede the original narrative derived from Buchanan, but to place before his readers the allegations and arguments produced on the opposite side⁴⁴. But the king's anger was renewed, as Buchanan's narrative was not expunged, nor his own memoirs inserted entire. In a warrant addressed to Cotton and to Camden in conjunction, he directs so much of the History of England as he

quædam librarii audacia immutata. Quid de illis fiet, tu a rege edoctus, optime nosti." Ibid.

⁴⁴ "Ad commentarios D. Cottoni quod attinet—In iis te præcipuam partem vindicare tunc nesciebam, et habeo gratias pro tam honorifica in ea re in me voluntate, quæ utinam suum sortita esset effectum, neque ex occasione, quam scribis, mutasset. Interim iis usus sum, et pleraque in jam editis ex illis supplevi, multa correxi, et ad annos suos revocavi," *ibid.* If an additional proof were wanting, of the identity of Camden's Annals, and Cotton's Memoirs, which the king revised, every passage which Thuanus transcribed from the latter is to be found, nearly in the same words, in the Annals afterwards published. A few facts from Buchanan, were expunged by Thuanus; but it is evident from his adopting the Annals as the assertions, or arguments merely of the opposite side, that he did not give implicit credit to Camden himself.

had perused, from 1558 to 1588, to be printed and published ; upon which the first volume of Camden's Annals unexpectedly appeared⁴⁵.

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From these passages the fact appears to be indisputable, that the Memoirs transmitted to Thuanus were the same with the Annals that were afterwards published ; the joint production of Cotton and Camden, revised, examined, corrected and amended by the king himself, whose veracity may be brought to an immediate test. As a proof that Buchanan's Detection and History abounded with falsehoods, Camden informs us, as Casaubon had done Thuanus, that these books were condemned by the Scottish parliament⁴⁶. But Camden's interpolator forgets to add that this condemnation was procured by the king's influence, after the *Raid of Ruthven*, when the presbyterians, under the administration of Arran, were restrained and punished by the severest

And traced to James, whose veracity is brought to the test.

⁴⁵ Camden's Annals. Pref. p. 6. edit. 1717, by Hearn.

⁴⁶ Buchanan's History and Dialogue De Jure Regni, not his Detection, were called in "to be purged of sundry offensive and extraordinary matters, specified therein." Parl. 1584, ch. 134. Camden knew the precise fact, which he states correctly, under the year 1584 ; but to disprove Buchanan's veracity, the Annals assert in 1567, that his History and *Detection* were condemned of falsehood by the Scottish estates, "quorum fidei plus tribuendum." Annals, 110. Other variations from the fact, will appear in the sequel, and these I consider as the interpolations of another pen.

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laws⁴⁷. He adds, what is now known, whether it be advanced by James or by Camden, to be an absolute fiction, that Buchanan frequently lamented with sighs, to the king his pupil, that he had written with such virulence against the meritorious queen; and wished when dying, that he might survive in order to restore the truth, and to obliterate even with his blood, those aspersions which his malignity had uttered; unless that were a vain attempt, which, at his advanced age, might be ascribed to dotage⁴⁸. Camden's information, upon which

⁴⁷ The parliament was held May 19, 1584, without being indicted or summoned by proclamation. The lords of articles were sworn to secrecy, and the acts were ratified on the 22d, three days after the parliament met. These acts, obtained with such secrecy and address, overturned the constitution of the presbyterian church; but James had then surmounted his opponents, had dispersed the confederate lords at Stirling, had driven the most popular clergymen from Scotland, and had executed Gowrie, the last possessor of the letters to Bothwell. In an act against defaming the king or his ancestors, the order for recalling Buchanan's Dialogue and History, was inserted without condemning or specifying what passages were to be suppressed as offensive; and in these circumstances, it is ridiculous to quote the authority of the Scottish parliament for Buchanan's falsehood. Robertson, ii. 113. Calderwood, iii. 365, MS.

⁴⁸ "Cum autem ille (Buchananus) partium studio, et Moravii munificentia abreptus, ita scripserit, ut libri isti falsitatis damnati ab fuerint ordinibus regni Scotiæ, quorum fidei plus tribuendum, et ipse ingemiscens coram rege cui fuit pædagogus, subinde se reprehenderit (*ut accepi*) quod tam virulen-

Casaubon is silent, must have been derived, through the intervention of Cotton, from James

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tum calamum in reginam bene meritam strinxisset, *moriens-que optaverit*, ut tantisper superesset donec maculas, quas maledicentia falso asperserat, revocata veritate, vel sanguine elueret, nisi (quod ipse dixit) hoc vanum esset, cum præ ætate delirare videretur." Camden, 110. Camden states the anecdote as he received it (ut accepi); but had he received it from any other than James, his prudential caution would have applied for some confirmation of a fact which was known only to the king himself. Whether it was contained in the Memoirs transmitted to Thuanus is uncertain. But the following passage in Thuanus' manuscript, was retrenched from his History before he received the Memoirs, in order to avoid offence to James. "Cum autem morti proximus esset Buchananus, a rege alumno rogatus, ut quæ de Maria parente nimis libere scripserat revocaret, et infamiam ejus nomini scriptis suis inustam insigni aliquo testimonio elueret, nihil aliud respondit, quam brevi fore, ut ipsius desiderio abunde satisfaceret. Reptitis dein vicibus per fidos eadem de re interpellatus, hoc postremo responso regi satisfecit: se quæ ex animi sententia vere scripserat, revocare quidem non posse, ceterum, ubi expiraverit, in regis potestate futurum, ut de scriptis illius pro arbitrio suo statueret; tantum quid in ea re acturus esset, pro prudentia sua, ante mature consuleret, sciretque reges cum soluta potestate a Deo constitutos nihil non posse: sed veritatem quæ a Deo vires sumit, quantum Deus hominibus major est, tantum potentia adversus reges ipsos præpollere." Id. iv. 100, n. This passage, to which Varillas afterwards referred, was restored by Wicquefort: Thuanus Restitutus, 1663. Whitaker (iii. 447,) dreams of an anonymous enlarger of Thuanus, to whom, as usual, he ascribes the forgery. Having never looked into Bulkley's, or rather Carte's edition

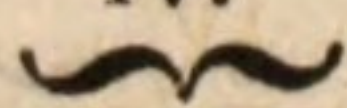
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himself, who revised the work, and to whom the facts were better known than to any other person whatsoever. But the two Melvils, clergymen who visited the impenitent Buchanan on his death bed, while his History was still in the press, urged that his account of Rizio's burial, as it might stop the work, was too severe for the times; when instead of retracting those calumnies, which were not yet published, he demanded whether he had spoken the truth, and declared, "when going the way of all weelfare," "then I will bide the king's fead and all his kins"⁴⁹. That the opposite side might be heard, Camden professes to explain the whole with impartial brevity; as far as he could discover, not only from the letters of ambassadors and others of the best credit, but from writings published at the time, though suppressed in England, out of favour to Murray, or animosity to the Scottish queen⁵⁰. The writings suppressed in England, were Lesly's and other anonymous vindications of Mary, in which there is no intimation whatsoever of Lethington's confession, that he had frequently forged the queen's hand. The letters are those in the Cecil collection, and the Cotton library, which are equally silent; and we must conclude that the author, whether Cotton, of Thuanus, he knew not that the passage is still extant in the original manuscript.

⁴⁹ See Appendix, No. XIX.⁵⁰ Camden, 110.

James, or Camden, improving upon Norfolk's apology, "that Lethington *moved* him to consider "the queen as not guilty," has asserted gratuitously that Lethington acknowledged the whole forgery, as he had already done, that Buchanan frequently repented, especially on his death-bed, of those calumnies in his *Detection*, which he reprinted, and refused to retract in his *History*, which was then in the press. Whoever examines Camden's abrupt and mutilated account of the conferences in England, must be satisfied that the evidence of the Cecil, and Cotton papers, which he had confessedly examined, has been suppressed in his *Annals*, in which Norfolk's letters from York, and the proceedings at Westminster, and of the privy council at Hampton Court, are industriously concealed.

On perusing his *Annals*, in 1620, Lethington's only son addressed him in a respectful, but dignified letter from Brussels. He complained of the imputations so injurious to his father's memory, to the truth of which, he could by no means assent; and requested the inspection, or copies of different papers, to which the *Annals* referred. Among other passages for which he required evidence, he demanded whether from personal knowledge, for what reason, or upon whose information, Camden had asserted that Lethington had frequently counterfeited the queen's hand; nor did he dissemble the intelligence which he had re-

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ceived, that Camden's name had been prefixed, in order to give authority to the Annals, in which many passages contrary to the freedom and truth of history, had been arbitrarily inserted at the pleasure of others⁵¹. It is not sufficient to affirm, that

⁵¹ “Clarissime Domine, hisce diebus dum Elizabethæ Annales perlegerem, in loca quædam incidi, in quibus parentis mei mentio non satis honesta facta est; jure factum nullo modo mihi possum persuadere. Quare loca quædam, de quibus maxime ambigebam, excerpsti, vestræque Dominationi censui mittenda, certiora, si fieri possit, exploraturus, quorum aliqua propria scientia, cætera literarum autoritate nixa videntur. Quare et auctoritatem vestram et animum meum dubio plenissime exemeritis, si subsequentes hasce literas conspiciendas mihi transmiseritis.” After enumerating the papers of which he required inspection or copious extracts; “aliis quibusdam locis ejusdem facta est mentio, sed nullo, vel suppresso auctore, ut non aliena sed propria scientia niti videamini. Quare gratiæ loco sum habiturus, si subsequentium locorum horum rationes a vobis plenius fuero edoctus: scilicet,—*Et Lidingtonius clam innuisset, se sæpius Reginae characteres ementitum esse.*—Hæc præcipua sunt loca, de quibus plenius cuperem edoceri, qua demum ratione quave auctoritate impulsî, libro vestro ea inserenda censueritis. Si tamen alia quædem sint, quæ nominis ejus integritate possint esse præjudicio, existimatione vestræ consulueritis, si una cum ulteriore eorum approbatione mihi transmiseritis, et hoc eo solummodo fine, ut veritas excussa magis enitescat.—Neque dissimulabo quorundam sermonibus certior me factum, nomen vestrum annalibus illis præfixum, quo illis major autoritas accederet, varia autem iisdem, pro aliorum arbitratu, contra historiæ libertatem inserta. Hæc si ita sint, quid æquius quam est quisque laudis vetuperiique partem pro meritis referat?” Camdeni Epist. 305.

no answer appears, when there is no reason to believe that any answer was ever returned. It was incumbent upon Camden, when personally challenged on the subject, to disavow a report preserved during the seventeenth century⁵², that his *Annals* had been altered and interpolated by James, and, in particular, to authenticate Lethington's confession, when questioned by his son. But the copy enlarged and prepared for the press before his death⁵³, contains no disavowal whatsoever of the report; nor any authority for Lethington's confession: and we must conclude, that the supposed forgery of the letters to Bothwell can be

⁵² The same report that is mentioned by Lethington's son, is preserved by Du Moulin, Wood, and Burnet. Du Moulin's evidence, "*alium manum accessisse, præter haud dubio mentem authoris, unde opus fœde commaculatum fuit, in Aulæ Regiæ adultores,*" is rejected, because he was an independent, or a creature of Cromwell's. Smith's *Life of Camden*, Epist. 54. But Wood's account, "that several things had before that time (1615) been expunged, especially such as related to the story of Mary Queen of Scots," is certainly not derived from Du Moulin, whom he contemned; (Wood's *Athenæ Oxonienses*) much less Burnet's account, "that James would needs read the history himself, and as was well known in England, delivered it to Lord Northampton, Norfolk's brother, by whom many things were expunged, and others altered." Burnet's *Reply to Varillas*. These authorities attest, at different periods, the traditionary opinion preserved in England, that Camden's *Annals* had been interpolated by James.

⁵³ Hearn's edit. pref.

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ascribed to no one, with any appearance of historical truth. As Camden's original design, before his first volume was communicated to James, was to print it in Germany without his name, so the manuscript of the second, posthumous volume was transmitted to De Puy, the friend of Thuanus, to be published at Leyden, after his death. And for this measure no satisfactory reason can be assigned, but a wish to preserve the book from being suppressed entirely, or from being interpolated like the first.

Progress of
the letters
to the press.

4. Before we proceed to an examination of the letters, it is necessary to trace their progress minutely to the press. It appears that Murray first produced to the commissioners at Westminster, “ a book of articles in five parts, containing certain presumptions, likelihoods, and circumstances, whereby it should evidently appear that as Bothwell was the chief murderer of the king, so was the queen a deviser and maintainer thereof.” From the explanation given in Buchanan's history, *ibi cum et rerum, uti gestæ fuerant, explicatus fuisset ordo*, the book of articles corresponds, and was undoubtedly the same, with the Detection of the Doings of Mary, containing an historical detail of her actions, (*rerum uti gestæ fuerant ordo*), from the first appearance of her antipathy to Darnley, till her marriage with Bothwell; addressed to Elizabeth as if present in person, and produced at Westminster, as we

are well assured⁵⁴. It was written by Buchanan, originally in Latin; the diplomatic and universal language of the learned, which was almost as familiar then as the French is at present. The Defence of Mary's Honour was also written, or enlarged at the conference, by Lesly, Herreis, Boyd, and others; and in consequence of a Discourse published against her marriage with Norfolk, it was printed at London, in 1569-70, but was immediately suppressed. When Morton returned to England with the letters, in January 1570-1, the negociations for her restoration were again disappointed, and Lesly's Defence of her Honour was reprinted at Liege, 1571, asserting her right to the crown of England, as exclusive of Elizabeth's, and among other additions, concluding with this notable falsehood; That the nobles appointed to examine her cause, had actually found her innocent of the murder of her husband, of which they deemed her accusers guilty; and having moved her to accept of Norfolk for a husband, they were ready to receive and to serve her as their lawful prince⁵⁵. On the discovery of Norfolk's conspiracy, and in answer

⁵⁴ Anderson, ii. 263. Camden, 144, where he distinguishes the Book of Articles from the Detection, of which no separate mention is made in the minutes.

⁵⁵ Murdin, 14, 20—9. Cabala, 174. Anderson, i. 81. ii. Pref. 3. Herbert's Edit. of Ames's Typographical Antiquities, iii. 1626—7.

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Buchanan's
Latin De-
tection.

to this offensive vindication of her title and honour, so injurious to Elizabeth, Buchanan's *Detection* was published at London before the 1st of November, 1571, with the three first letters translated into Latin. In a letter of that date, Cecil observes, that it is "newly printed in Latin, "and I hear it is to be translated into English "with many supplements of the like condition⁵⁶." The *Detection* was published in English before the end of November⁵⁷, with the French sonnets, and the eight letters in Scotch, from the copy or Scottish translation left in Cecil's hands. The two editions, supposed to be printed by John Day, are without date, place, or printer's name; in the English edition, the *Detection* is profess- edly "translatit out of the Latin, quhilk was "written by G. B." (George Buchanan); but the reader, perhaps, will be surprised to learn, that the *Actio contra Mariam*, annexed to the *Detection*, and the Latin translation of the three letters inserted in the first edition, are not the productions of Buchanan's pen.

The Action
not his.

The *Detection*, or book of articles produced at the conference, is entitled in Latin, "De Maria "S. Regina, totaque ejus contra Regem conjura- "tione, fædo cum Bothwellio adulterio, nefaria in

⁵⁶ Diggs, 151.

⁵⁷ Goodall, ii. 371. Both editions had reached Scotland before the 14th of December. Ibid.

“maritum crudelitate et rabie, horrendo insuper
 “et deterrimo ejusdem parricidio: plena et tra-
 “gica plane historia:” in the English edition,
 “Ane detectioun of the duinges of Marie Quene
 “of Scottes, touchand the murder of hir husband,
 “and hir conspiracie, adulterie and pretended
 “marriage with the Erle Bothwell: and ane de-
 “fence of the trew Lordis, maintaineris of the
 “Kingis graces actioun and authoritie.” The
 first is inconsistent with the characteristical sim-
 plicity of Buchanan’s works, of which the longest
 Latin title, *De jure regni apud Scotos*, exceeds
 not five words, the second is derived from his
 “admonition direct to the trew lordis, main-
 “tainers of justice and obedience to the king’s
 “grace,” of which two editions were printed that
 year⁵⁸, and it is evident that the two quibbling,

⁵⁸ By Lickprevick at Stirling. From the last edition of
 the Admonitioun to the Trew Lords, a passage concerning
 the Archbishop of St. Andrews, is transferred into the Action.
 “In eas, (ædes Hamiltoniorum) commigrat Archiepiscopus
 Sancti Andreæ, semper antea in locis urbis frequentioribus
 diversari solitus. Isquoque eam noctem qua Rex interemp-
 tus est egit pervigilem,” &c. Actio contra Mariam, 69, &c.
 The Detection takes no notice of the fact, which was not
 known till afterwards, when the Admonition was written;
 but Wilson, who probably consulted the Admonition in MS.
 (Caligula, c. 2.), discovered by his personal inquiries, some
 additional circumstances unknown to Buchanan. “Itaque
 lumina, quæ ex æditionibus urbis locis, tota nocte domi tuæ

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catch-penny titles were adapted to another, for the London press. In a copy quoted by Herbert, the Latin title of the *Detection* is followed by a manuscript annotation, “auctore “ Georgio Buchanan Scoto, 1572-3;” the *Actio contra Mariam S. R. in qua ream et consciam esse eam hujus paricidii, necessariis argumentis evincitur*, contains another note in the same hand; “Istas actiones scripsit Thomas “ Smythus a secretis D. N. R. Elizabethæ sicut “ fama est, vel Thomas Wilsonus a supplicum “ libellis, quod mihi magis placet;” the *Literæ Reginæ Scot.* has a third; “Thomas Wilson “ creditur has literas e Gallico transtulisse, eum “ autem Gallicam phrasim vix credo intelligere; “ Thomas vero Smyth, hoc optime potuit præstare “ eo quod legatus Parisiis diu est commoratus⁵⁹.” Dr. Wilson, then master of requests, succeeded, on Sir Thomas Smith’s death, (1579-80,) to the office of secretary; and as the date of the first annotation, 1572-3, can neither refer to Buchanan, nor to the edition in 1571, the notes must have been written soon after the *Detection* was published. From these annotations it appears, that although the *Detection* was written by Buchanan, *Action or oratioun of evidence*

apparuerunt, tum demum tanquam re bene gesta, sunt extincta.” Id. 72.

⁵⁹ Herbert, iii. p. 1629.

was publicly ascribed to Sir Thomas Smith, but by the annotator himself to Wilson, whom he seems to have known, and to whom the Latin translation of the three first letters was also ascribed. The last is transferred to Smith without sufficient reason, for the letters were translated from the Scottish copy left with Cecil, not from the French originals which Murray retained. But the contemporary authority of the annotator, in assigning the *Actio contra Mariam* to Wilson, is confirmed by the strongest external and intrinsic proofs. Smith and Wilson were employed to investigate Norfolk's conspiracy, and the latter, a keen and active partisan, was esteemed in negotiations for his diligence and dispatch⁶⁰. He writes in a letter to Cecil at court, "I do send to your honour inclosed, *so much as is translated into handsome Scottish*, desiring you to send me *Paris closely sealed*, and it shall not be known from whence it cometh⁶¹." The latter is dated

⁶⁰ Murdin, 68—88—95—101. Warton's History of English Poetry, iii. 334.

⁶¹ Murdin, 57. In the same letter, Wilson mentions a conversation with Lesly, then in the Tower: "That the queen his mistress is not fit for a husband, for first he says, that she poisoned her husband, the French king, as he has credibly understood: again, she has consented to the murder of her late husband, the Lord Darnley: thirdly, she matched with the murderer, and brought him to the field to be murdered; and last of all, she pretended a marriage with the duke, with whom, as he thinks, she would not long have kept faith, and

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November 8, 1571, in the interval after the Latin, and before the English edition was published: "so much as is translated into handsome Scotch," can refer only to the Scottish translation, either of the *Detection* or of the *Action*, that was to accompany the letters in the same language: the request to send him Paris closely sealed, must relate to Paris's two declarations since the conference; and the assurance that it should not be known from whence it comes, can allude to nothing else than a political publication in which the prime minister, who furnished the materials, was unwilling to appear. The *Detection* left by Buchanan in England, was translated therefore into the Scottish dialect, and published by Wilson. The *Detection* is strictly confined to the facts preceding the marriage with Bothwell, which were known at the conference, and concludes in a manner sufficient to assure us that the author never meant to resume the detail. But the *Actio contra Mariam*, enters largely into the Archbishop of St. Andrews' concern in the mur-

the duke would not have had the best days with her. Lord, what people are these; what a queen, and what an ambassador!" Wilson plainly alludes to the first circumstance in his *Action*, or *oratio contra Mariam*. "Nec rumoribus de ea per Gallias sparsis in matrimonio priore accedo," p. 55; and the letter is characteristical, not only of Wilson's prying curiosity, but of Lesly's timid servility, in uttering every information or calumny, privately against his mistress, for his own preservation.

der, a recent discovery to which Buchanan had alluded in his Admonition to the True Lords; and it resumes the detail of the same facts contained in the Detection, with the tedious repetition incident to one author, in retracing the footsteps of another, whom he strives only to surpass in violence: superadding such local description, and vulgar reports as a keen inquirer, who had formerly visited Scotland in person, might collect from Lesly, and other Scots, whom he examined upon the subject. 'The Detection is a concise historical deduction of facts; a rapid narrative, written with that chaste and classical precision of thought and language, from which each sentence acquires an appropriate idea, distinct from the preceding, and neither anticipated, repeated, nor intermixed with others; while the style is so strictly historical, that the work is incorporated in Buchanan's History almost without alteration. But the Action against Mary, is a dull declamation, and a malignant invective, written in professed imitation of the ancient orators, whom Buchanan has never imitated; without arrangement of parts, coherence, or a regular train of ideas; and without a single passage which Buchanan has deigned to transcribe into his History⁶². A man inured to extemporary elo-

⁶² Two or three facts are adopted from the Action, which Buchanan, who transcribes his own Detection almost verba-

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quence, whose mind is accustomed only to popular arguments, and his tongue to prompt, and loose declamation, never writes with such lucid arrangement, with such accuracy of thought, or compression of style, as a professed author, who thinks no labour too great for what is bequeathed to posterity; and the virulent Action against Mary has no more resemblance to Buchanan's Detection, than the verbose ribaldry of Whitaker, or the elegant yet diffuse rhapsodies of Burke and Bolingbroke, have to the correct and classical precision of Junius or of Hume.

The Action
written by
Wilson.

Upon this subject I might appeal to the taste and discernment of every impartial reader; but there is a decisive proof in reserve, that the Action could be written by no one but Wilson. Bu-

tim, abridges or alters as from another author, whom he disdains to transcribe. The sentiments are also the reverse of Buchanan's. In the epilogue or conclusion of the Action; "qui vero regem, qui vera est in terris Dei imago, non violat dico, sed trucidat:—nonne ipsum tibi Deum de cælo, quantum in ipso est detrahare voluisse videatur?" and the marginal explanation is in the same strain; "princeps dei imaginem refert in terris. Qui igitur magestatem lædit, deum lædit. Qui vero occidit, perinde facit ac si Deum ipsum de cælo detrahare gygantea audacia aggrediatur, nec venia dignus nec vita." Actio, 98. This is what Wilson terms in his Rhetoric, *Veritatis superlatio atque trajectio*, or, *Mounting above the truth*; but that kings were the true image of gods upon earth, was the last argument, which Buchanan, who had recently written *De jure Regni apud Scotos*, would have urged against Mary.

chanan in his *Detection* naturally adopted the historical style as peculiarly his own, nor would the same subject, upon which he had no occasion to write anew, be resumed and reiterated, by the same author, in the dull rhetorical declamation of the schools. But Wilson had formerly (in 1553) published “the Art of Rhetorick for the use of “all such as are studious of eloquence,” recommending and illustrating, both by precept and example, the rhetorical rules of amplification, circumstantial description, the comely delineation of character, personification, the introduction of apt tales, for the pulpit and the bar; and in 1570 he published, with a dedication to Cecil, a translation of seven orations of Demosthenes, three Olynthiacs, and five Philippics, professedly to warn, and incite the English against Philip of Spain. His declaration from Cheke, “that none ever was more fit than this orator to “make an Englishman tell his tale praise- “worthily, either in parliament, pulpit, or other- “wise:” his motives for the translation, “he that “loveth his country, and desireth its welfare, he “that seeketh common quietness, he that would “gladly prevent evil to come, he that desireth to “serve his country abroad, let him read De- “mosthenes day and night, and seeing Demos- “thenes is so good a schoolmaster for men to “decypher the devil and his ministers, I would

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“ wish that all men would become his scholars⁶³ ;”
afford a convincing proof that the Action against Mary, to be written by Wilson, would be written in professed imitation of Demosthenes’s style. When employed by Cecil to prepare Buchanan’s Detection for the press, he seized the opportunity to illustrate his own rules in his Art of Rhetorick, so frequently republished ; and transfused the style and spirit of his recent translation of Demosthenes, into a malignant philippic against

⁶³ Strype’s Annals of the Reformation, i. 579. ii. 33. Warton’s History of English Poetry, iii. 334. Herbert, i. 537. ii. 835—7—946. The circumstances, or common places which Wilson recommends in his Art of Rhetorick ; “ Who did the deed ? what was done ? where was it done ? what help had he to it ? wherefore he did it ? how he did it ? at what time he did it ? ” are all adopted in his *Actio contra Mariam*. The rules of amplification in his Art of Rhetorick, “ mounting above the truth, *veritatis superlatio atque trajectio* ; asking others and answering ourselves, *rogatio* ; enlarging examples by copy,” &c. are implicitly followed, and he considers Buchanan’s part as the narrative, and his own as the confirmation, and conclusion of the cause. “ Of the conclusion, or lapping up the matter,” he observes, “ the conclusion is an apt *knitting up* of that which we have said before ; ” (Art of Rhetorick, 185) and Buchanan’s *quam brevissime fieri potest, rem perstringemus*, (Detectio, 1) he translates, “ we will *knit up* the matter as briefly as possible ; ” and his own, *tam mutuis viribus nixa sunt* “ sae mutually *knit together* ; ” (Actio, 31) the very word employed in his Art of Rhetorick.

the Queen of Scots. A dull and scurrilous declamation of seventy pages was thus annexed, in Italic print, to Buchanan's Latin Detection of thirty pages, which he considered as a mere exordium to open the cause. The discovery is important, not only as it exempts Buchanan from the imputation of having written a malignant invective, equalled only by the apologies for Mary, but because it ascertains the Latin translator of the three letters subjoined to the Action in the same Italic print. The letters are translated from the Scottish copy left with Cecil, in which Buchanan, whose vernacular style is the best of the age, never could have misunderstood the most familiar terms in his native language, as the translator has done. But when the note in Herbert's copy, in which the Action is assigned to Wilson, has been confirmed both by external and by intrinsic evidence, the authority of the subsequent annotation can admit of no dispute, that the three letters annexed to the Action, in the same Italic character, were translated into Latin by the same person.

The second edition, in which the Detection and Action were translated by an Englishman into handsome Scotch, was printed in imitation of the Scottish dialect⁶⁴, and published towards the end of November. A memorandum from

The Detection published in English:

⁶⁴ See Appendix, No. XX.

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Morton's declaration concerning the discovery of the casket, the second contract written at Seton, the whole process of Bothwell's trial, a short abstract of the confessions of the murderers, the French sonnets with a prose translation, the eight letters in Scotch, from the Scottish copy in Cecil's hands, were annexed to the Action; and as these papers have disappeared, together with the minutes of the seventh and of the thirteenth of December, when the second contract and the confessions were produced, it is obvious that they were lost when transmitted to the press by Wilson. The first sentence of the French originals was prefixed to each of the eight letters, for which this substantial reason may be assigned: as they had no dates to ascertain their arrangement, the initial French sentence was prefixed to the translations, in order to indicate the respective originals to which they belonged. Next year this last edition was reprinted at St. Andrews, in the Scottish orthography and language, instead of the old English orthography, and the obsolete words, which the English translator had employed as Scotch. A French translation from the two first editions was also published, according to the title page, *a Edimbourg par Thomas Vvaltem 1572*; according to the colophon at the end, *Achevé d'imprimer a' Edimbourg ville capitale d'Escosse, le 13 de Feurier 1572, par moi Thomas Vvaltem*. The place and the

In Scotch
and French.

printer's name are confessedly fictitious; but on this French edition, much of the controversy concerning the letters depends. As it contains the additional translation of a "Summary of the Treasons of the Queen of Scots against Elizabeth," and refers to the execution of Mathers and Burney, who suffered upon the 11th of February⁶⁵, our modern apologists infer, from its date on the 13th, that it must have been printed at London, under Cecil's inspection, not at Rochelle. As the letters annexed were translated partly, at least, from the Latin, and the Latin again from the Scotch, they conclude that these last were the original forgeries which Buchanan translated into Latin, in order to be converted by the French translator, into those French originals produced at Westminster, which Cecil afterwards published in the French edition. Now, that Buchanan, having already forged the French sonnets, should be employed to translate the letters into Latin, for another to forge again into French, is sufficiently absurd. But the place and printer's name being confessedly fictitious, it is impossible to consider the intermediate date as more authentic than the rest; especially when inserted to promote the deception, by the interval allowed from the supposed day upon which the printing was finished, to the first ap-

⁶⁵ Digges, 166.

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pearance of the book in France. The anonymous *L'Innocence de la Royne d'Escosse*, when translated and republished in France, 1572, informs us in a prefatory advertisement, of the defamatory libels, “*espars et publiez partout: nomement un, “imprime du 17 Februier 1572, envoye secretement, et a cachette expose par la France;— “premierment compose par G. Buchanan Escossais, et depuis traduite en langue Francoise “par un Huguenet, Poitevin (advocat de vocation) Camus soydisant gentilhomme, et un des “plus remarques seditieux de France, et depuis “augmente d’un abrege d’un livret publie en “Angleterre le 13 October l’an 1570 portant “pour titre en Francoise, le Recueil des conspirations faites par la Reine d’Escosse*”⁶⁶. According to the interpretation imposed on this passage, the edition, printed in London, was secretly exported, in order to be privately sold in France; and Camus, an advocate of Poiteau, has been arbitrarily transformed into a French refugee, who assisted personally at the conferences in England⁶⁷. But “*envoye secretement “et a cachette expose, par la France,*” signifies, not that the book was secretly exported, or sent to France, but like *espars et publie partout*, that it was secretly dispersed or sent, and exposed

⁶⁶ Jebb, ii. 425.

⁶⁷ Goodall, i. 38. Tytler, i. 209. Whitaker, i. 531—34.

clandestinely to sale, *through France*, and the anonymous author of *L'Innocence de la Reine*, who mentions the date, and the translator's name, but rejects the names of the printer, and of the place, as fictitious, never would have concealed the fact, that it was printed in England, like the Summary of Treasons, which he must have known, had Camus been a refugee. Blackwood, then a counsellor and professor at Poitiers, must have known whether it was printed at Rochelle, or at London, or whether it was written by an advocate, a refugee from Poiteau. In his *Apology for Kings*, 1580, he ascribed the translation itself to Buchanan, but in his *Martyre de Marie*, 1587, “ Il a depuis adjousté à ceste declamation un
 “ petit libelle de pretendu mariage du Duc de
 “ Norfolk, et de la façon de son proces, et le tout
 “ envoye aux freres à la Rochelle, lesquels voyants
 “ qu'il pouvoit servir à la cause, l'ont traduit en
 “ Francois et iceluy fut imprime a Edimbourg,
 “ c'est a dire a la Rochelle, par Thomas Waltem
 “ nom aposté et faict a plaisir⁶⁸.” That it was translated by Buchanan is thus expressly retracted; but though Blackwood was ignorant of the translator's name, his information is otherwise ex-

⁶⁸ Blackwood's assertion in his *Apologia pro Regibus*, p. 28, “ sed non fuit ea vis putidæ illius orationis quam ex Latino Gallicam reddidisti,” is mere declamation; and his silence concerning Camus, disproves the imputation in the *L'Innocence de Marie*, which he must have seen.

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The French
translation
printed at
Rochelle.

plicit, that it was printed at Rochelle, and the book itself contains internal evidence that it was printed in France. The date, place, and printer's name would have been omitted, as in the two first editions; Edinburgh, at least, of which Mary's friends were then in possession, would not have been inserted, had it been printed in London; and *Edimbourg ville capitale d'Ecosse*, was an intimation not obvious to an English printer, though necessary abroad, where the name was little known, or converted into *L'Islebourg*. The recent computation of the year, from the first of January, which prevailed only in France, is observed throughout; whereas an English printer, in an edition assigned to Scotland, would have dated the title, the colophon, and the execution of Mathers and Burney, *Fevrier*, 1571, according to the old supputation from the 25th of March, to which the whole island adhered at the time⁶⁹. No French work had been printed

⁶⁹ This alone is decisive. The French began the year at Easter, till 1563, when the Chancellor L'Hospital altered it to the 1st of January, by an edict, registered by the parliament of Paris, in 1564; and the alteration was adopted in the Gregorian Calendar in 1584. Wraxall's Hist. iii. 347. The year began in Britain on the 25th of March, till altered in Scotland in 1599, and in England in 1751, when the Gregorian Calendar was first introduced. The civil year was retained, not only in the state papers but in the letters of the age, which, if written between the 1st of January and the 25th of March, are invariably dated, according to our present sup-

in England, the year books, Littleton and others in the Norman law language excepted⁷⁰; but *Vvaltem*, a corruption of Walton, *Bothvvell*, *Bothinvvare*, *Carvvood*, *Lavvson*, *Vventvvorth*, *Vviltshire*, are expedients to supply the want of *W* in the French founts; and whoever examines the French edition, must be satisfied from the type, from the general correctness of the language, and from the peculiar corruption of proper names, that it required not only a French

putation of time, in the preceding year, without the more recent discrimination, 1571-2. See Digges, Forbes, Haynes, Murdin, &c. &c. Cecil's Letter, mentioning the execution of Mathers and Burney, is dated February 11th, 1571. In the French Detection, "au commencement de ceste annee 1572 estoit un Anglois, nomme Mather, lequel fut pendu avec nn autre nomme Barne qui avoit demeure quelque tems en France." Afterwards, "le Caresme dernier, 1571," which according to the English computation was in Lent 1570. Norfolk's Attainder is dated, "le 16 du mois de Janvier dernier, 1572;" and the Colophon, "Acheue d'imprimer le 13 de Feurier 1572." Mathers and Burney are mentioned, not as executed two days before, (Monday 11th,) but some time about the beginning of the year in which the book was printed. In the additions made to the Detection, a French printer assigning a false date to the edition, would adhere to his own computation of the year, without adverting to the fact, that a different computation was observed in Scotland. But an English printer would not have deserted his own, to adopt the French supputation of time, in a book assigned to the Scottish press.

⁷⁰ Herbert's *Typographical Antiquities passim*.

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translator but a French press⁷¹. The translator, in his preface, informs the reader that nothing in antiquity equalled what had lately happened in Scotland, but there were two reasons to render it the less extraordinary: “L’unesi tu regardes la

⁷¹ It is supposed, from the type, that the two first editions of the Detection were printed by John Day. But the French edition is in a different, and to all appearance, in a French type. *De Furoribus Gallicis*, *Le Reveil Matin*, and *Junius Brutus*, have been quoted as books of which the title pages profess to be printed at Edinburgh, though they were published at London by the English Court. Goodall, i. 38. But these were Huguenot productions on the troubles in France, and the assertion that they were printed in London, remains still to be proved. The first, *De Furoribus Gallicis*, a scurrilous pamphlet, according to Goodall, against the massacre of Paris, was printed in octavo, 1573, professedly at London, and very probably from the quarto edition dated at Edinburgh, 1573, but printed abroad. Herbert, pp. 972, 1496. The second is another pamphlet against the massacre, dedicated, in the Latin edition, to the States of Poland; with an epistle from Rheimes to the Duke of Guise, 1573, a sufficient proof that it was not printed at London. The third, *Vindiciæ Contra Tyrannos*, *Stephano Junio Bruto auctore*, was undoubtedly written and printed abroad. The preface is dated from Soleure; and after a controversy to discover the real author, greater than that concerning the English Junius, this celebrated book appears to have been written by Hubert Languet, and printed in 1579, at Lausanne. Bayle, Dict. and Dissert. annexed. Herbert, p. 1497—1500. De Bure Bibl. Instr. 1356. It was then the practice to date prohibited or dangerous books from Edinburgh; but that these books were not printed in London is evident, because they contain no allusion whatsoever to English affairs.

“ maison dont ceste Royne est issue, au moins du
 “ coste maternel, duquel n’y la cruaute, n’y l’im-
 “ pudicity n’ont jamais ete gueres esloingnées.
 “ Et pour l’autre l’education, et nourriture, qui
 “ souvent s’eschange au naturel, avec le bon con-
 “ ceil d’aucuns principaux de ses parens, et sur
 “ tout de celui, qui est la source et origine de
 “ toutes les guerres, cruautez, et meurtres inhu-
 “ mains advenus depuis 15 ou 16 ans, en la plus-
 “ part de l’Europe, et duquel je ne veux ici ex-
 “ primer le nom, tant pour etre assez cogneu,
 “ voire a tous par ses sinistres effects, que pour
 “ desire que j’auroye que quelqu’un (puis qu’il
 “ espere de son imortalite, et qu’il s’en tient
 “ honore) n’ l’engrave, comme un second Eros-
 “ trate en son docte escrit.” His allusion to the
 maternal descent and education of the queen,
 from which she had inherited, or acquired
 the cruelty and lust of the house of Guise, indi-
 cates sufficiently that the translator was a Hugue-
 not residing in France, who had been exasperat-
 ed at her relations from the wars and persecutions
 that prevailed through Europe, and above all at
 the Cardinal of Lorrain, her maternal uncle,
 whom he is afraid and refuses to name, during the
 pacification that preceded the massacre of Paris.
 The French edition was printed therefore by the
 Huguenots, at Rochelle⁷², in the interval be-

⁷² Tytler asks how a libel against Norfolk, a staunch Pro-
 testant, could serve the cause of the Huguenots at Rochelle,

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The letters
translated
from the
Latin and
Scotch.

tween its pretended date and the massacre, which took place on the 24th of August that same year.

The translator proceeds to inform the reader, “ Au reste les epitres mises sur la fin, avoient ete
“ ecrites par la Royne, partie en Francois, partie
“ en Escossois, et depuis traduictes entierement
“ en Latin, mais n’ayent connoissance de la langue
“ Escossoise, j’ay mieux aimé exprimer tout ce
“ que j’ay trouve en Latin, que me montrant
“ trop scrupuleux au changement d’une syllabe,
“ te frustre de l’ecclaircissement que tu y auras
“ pour cognoistre a qui la fauté de l’execrable
“ meurtre, et autres enormités y contenues, doi-
“ vent etre imputées.” That they were written partly in French, partly in Scotch, applies to the letters and sonnets, which the translator terms “ autres letters en rime Francoise, quelle lui ec-
“ crivit avant que de l’epouser ;” and implies that the *epitres mises sur la fin*, were written partly (the sonnets) in French, partly (the letters) in Scotch ; not as erroneously supposed, that the queen wrote the initial sentence of each letter in French and the rest in Scotch⁷³. The translator,

i. 210. Elizabeth was considered as their protector by the Huguenots, to whom Mary’s design to dethrone her was odious of course ; and the Summary of Mary’s Treasons was translated and added to the Detection, to prove the danger which Elizabeth, the head of the Protestants, incurred from the Papists. Jebb, i. 458—73. 420.

⁷³ Robertson, ii. 369.

who supposed that the letters were written originally in Scotch, necessarily mistook the initial French sentences, for a partial translation, to which he annexed his own; and added, that they were since translated entirely into Latin, an expression not relative to the whole of the letters, any more than to the sonnets or letters in rhyme. That he had no knowledge of the Scottish language, implies that he was ignorant, not of English, which he plainly understood⁷⁴, but of the Scottish dialect, which induced him to translate all that he found in Latin, rather than appear too scrupulous to the alteration of syllables, to disappoint the reader of the information which he might thence derive. If the translation had been executed in England, during the conference, the supposed Camus, who understood English, had no occasion for a Latin translation, when the Scottish commissioners were present to explain such words as it was difficult to comprehend. Had the French edition been even printed at London, still the translator would have added a French version of the letters, the originals of which were in Scotland, beyond his reach. But the fact is now indisputable, that the French edition was printed at Rochelle: and when the preface itself announces, that the letters were translated from the Scotch, through the medium of the Latin, nothing can be more impertinent than

⁷⁴ Goodall, i. 107.

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a parade of argument to prove that these letters are not the French originals, but are translations from the Scotch.

State of the
argument.

5. These preliminary observations are necessary, first, to refute the assertion that the letters were repeatedly forged, with subscriptions, dates, directions, in different languages, and in greater numbers than were afterwards produced: secondly, to ascertain with what probability the forgery has been ascribed to so many persons, and what credit is due to the supposed confession of Lethington: and thirdly, to determine the real translator of the letters into Latin, and the time and place at which the French translation was printed abroad. We are now prepared to proceed to a critical and minute examination of the letters themselves. The chief objection has already been stated; that the French is translated from the Scottish originals, through the medium of the Latin; an objection to which this plain and direct answer is returned: That the initial French sentences prefixed to the Scotch, and adopted in the French version of the letters, so far from being translated from the Latin, are a part of the originals, from which the Scotch is a literal translation; and that the letters throughout, are replete with French idioms, words, and phrases, such as could result only from a literal version, professedly *translated, word for word*, from the original French. It is not sufficient to

maintain in reply, that frequent Gallicisms, and French words were introduced into Scotch, from the former intercourse between the two nations. If a few French terms were necessarily adopted with the arts and articles imported from France, the language remained uninfected with French idioms, and whoever examines the state papers or compositions of this period, will be satisfied that few or no Gallicisms had found their way into style⁷⁵. But the real point in dispute is this; whether the initial French sentences are translations from the Latin, or are a part of the originals from which the Scotch is translated; and whether the letters contain those peculiar idioms which are unavoidable in a literal transla-

⁷⁵ The education of a few noblemen, or the service of some Scotch in France, or of French troops in Scotland, could neither alter, nor add to, the language, any more than the same causes could do at present. The names of fruits, manufactures, and terms of art, &c. were imported with the articles; but Tytler, (ii. 420.) gives a list of three-score Scotch words, among which we discover *horolage*, *bennison*, *malison* from *malheur*, *ambry* (almonry) from *armoire*, *napery* from *nappe*, *maltreat*, *vest*, &c. as if these originally were not English words. The very watch-word of Edinburgh is derived from the French, (id. i. 222.) as if *gard alow* were not plain Scotch; or, as if the chambermaids had corrupted into *gare de l'eau*, the French exclamation *gare l'eau*, which they acquired, no doubt, from the French troops. But whoever examines Ruddiman's Glossary to Gawin Douglas's Virgil, will be satisfied how few French words have been introduced into Scotch.

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tion of the same forms of expression used in French. The proof will indeed be complete, if it shall appear that the letters, when collated with others, abound not only with French idioms, words, and phrases, but with those peculiar expressions which Mary employed.

First letter. The letters are inserted in the Appendix⁷⁶, from the Scottish translation, with an additional English version of the first letter, to which, as “duly translated into English,” the minutes of the 9th of December apparently allude. This first, or long letter from Glasgow, is indorsed by Cecil; and Elizabeth’s initials, E. R. enclosed in triangles, indicate that it was inspected by the queen, for whose use perhaps it had been translated or transcribed. The Scottish version is professedly word for word from the French: the English translation adheres more frequently to the sense than to the idiom; yet on some occasions it preserves the idiom, where the other substitutes some equivalent phrase. The collation of both with the initial sentence will determine whether the French was translated from the Latin, or was on the contrary translated into Scotch and English.

Initial sentence of the original, and the translations.

The initial sentence of the first letter is,
 “Estant party du lieu ou j’avois laissé mon cœur,
 “il se peult aysément juger quelle estoit ma con-

⁷⁶ See Appendix, No. XXI.

“tenance, veu ce qui peult un corps sans cœur,
 “qui à esté cause que jusques à la disnée je n’ay
 “pas tenu grand propos, aussi personne ne s’est
 “voulu avancer, jugeant bien qu’il n’y faisoit
 “bon,” &c. The Scotch translation is, “Beyng
 “departit from the place qhaire I left my hart,
 “it is easie to be judgit quhat was my counte-
 “naunce, seing that I was even as mickle as
 “ane body without ane hart, quhilke was the
 “occasioun that quhile dinner time, I held pur-
 “pois to na body, nor yit durst any present tham-
 “selfis unto me, judging that it was not gude so
 “to do.” The Latin is, “Posteaquam ab eo loco
 “discessi ubi reliqueram cor meum, facilis est
 “conjectura qui meus fuerat vultus, cum plane
 “perinde essem atque corpus sine corde. Ea fuit
 “causa cur toto prandii tempore neque contulerim
 “sermonem cum quoquam, neque quisquam se
 “offerre mihi sit ausus: ut qui judicarent id non
 “esse ex usu.” And the English version is,
 “Being gone from the place where I had left
 “my heart, it may be easily judged what my
 “countenance was, considering what the body
 “may without heart, which was cause, that till
 “dinner, I had used little talk, neither would
 “any body adventure himself thereunto, thinking
 “that it was not good so to do.”

Here I might safely appeal to the taste and
 judgment of every impartial reader, to determine,
 without a comment, which is the original, and

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which the translations. The very first phrase, *estant partie du lieu*, demonstrates that it was not derived from the Latin, *posteaquam ab eo loco discessi*; but constitutes the original of which the Scotch and English, “being departed,” or, “gone,” (*estant partie*) “from the place,” (*du lieu*) instead of, having left the place, are successive translations. The whole clause *estant partie du lieu ou j’avois laissé mon cœur*, is easy, tender and unaffected in French; but “being departed,” or “gone, from the place where I had left my heart,” is almost as harsh, constrained, and unnatural, in Scotch and English, as *ubi reliqueram cor meum* appears in Latin. The slight variation of the English, “where I *had* (ou *j’avois*) left my heart,” proves that it was not transcribed from the Scotch, but was translated literally from the original French. The next clause, *il se peut aisement juger (facilis est conjectura)* could not possibly be suggested by the Latin, but is almost literally translated in the Scotch; “It is easy to be judgit quhat was my countenance,” and more literally still in the English; “It may be easily (*peut aisement*) judged what my countenance was.” The context is indisputably a French idiom; *quelle estoit ma contenance*, her personal appearance, deportment, manner; and the phrase itself, “what was my countenance,” *qui meus fuerat vultus*, so significant in French, and absurd in Latin, is

obscure, and hardly intelligible in English and Scotch. The third clause *veu ce qui peut un corps sans cœur*, is neither derived from the Latin, *cum plane perinde essem atque corpus sine corde*, nor is it translated into Scotch, “seeing that I was even as mickle as ane body without ane heart.” Whitaker creates an intermediate Latin copy, in which the French editor read and translated *quantum potuit* (as meikle as) into *veu ce que peut*⁷⁷; but the whole clause consists of original French idioms, which the English, “considering what the body may without heart,” has, by a slight transposition, translated faithfully as to the words, but without preserving the sense. Having left the place where she left her heart, the amorous Mary pursues the conceit. It may be easily judged what my countenance, (personal appearance or deportment) was, *veu ce*, seeing, considering this, *qui peut un corps sans cœur*, what can the body (do) without the heart; phrases for which the supposititious Latin, *perinde essem, quantum potuit* could suggest no prototype, nor sense whatsoever. The last phrase also, *un corps sans cœur*, is peculiarly French; and Tytler, who remarks that the same elegance occurs in *corpus sine corde*, forgets that the latter is not even a Latin idiom⁷⁸, but an obvious translation

⁷⁷ Whitaker, ii. 4.⁷⁸ Tytler, i. 216.

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in which the alliteration is fortuitously preserved, as the words in each language, *corpus sine corde*, *corps sans cœur*, are originally the same. *Mettre corps et cœur*, is a French proverb, to be rendered only by a similar alliteration, *with heart and hand*; and the same conceit recurs in one of Mary's letters to Elizabeth, the very next year. "Je vous envoie *mon cœur* en bague et je vous "ay apporté le *vray et corps* ensemble"⁷⁹;" I send you my heart in a ring, and have brought you the real one together with the body. To remove all doubts, however, which is the original, a sonnet in Queen Mary's hand-writing, lately discovered in the State Paper Office, contains a strong and unexpected confirmation of the letters. In the beginning of the sonnet, which was certainly written during her confinement in England, and apparently towards the close of her long captivity, the same conceit which she had formerly employed in her letter to Bothwell, *qui peult un corps sans cœur*, very naturally recurs to her mind.

Que suis ie hélas ! et de quoy sert ma vie ?

Je ne suis fors *q'un corps privé de cœur*.

That an alliterative conceit peculiar to the French tongue, and afterwards so familiar to Mary, but of which no instance is to be found in

⁷⁹ Anderson, iv. Part i. p. 49.

any preceding letter, could be fortuitously anticipated by the supposed forgers of the letters to Bothwell, in a language in which it is not even significant, is a proposition too absurd to be refuted or maintained by argument. The repetition, therefore, of the same conceit, at the distance of many years, in a genuine sonnet in the queen's hand-writing, is one of the strongest confirmations that the letters could receive.

In the succeeding clause, *qui a ete cause*, is not translated from *ea fuit causa*, and *jusque à la disnée* is the reverse of *toto prandii tempore*. Whitaker has again recourse to an intermediate, or corrected copy of the Latin, in which the French translator read *usque ad prandium*; but of such conjectures there is no end. *Quhile* still signifies until; and the obvious meaning of the Scotch, "quhilk was the cause that quhile dinner time⁸⁰," is confirmed by the English, "which was cause," *qu'il à été cause*, "that till dinner," *que jusque à la diner*; each a literal translation of the French. The sequel, *je n'ay pas tenu grand propos*, is indisputably a French idiom,

⁸⁰ Whitaker, ii. 5—7. Robertson, ii. 363. Whitaker distinguishing between *quhill* and *quhile*, appeals to Buchanan's Detection, where the word invariably signifies *while*, because the translator was an Englishman. In the glossary annexed to his copy of Knox, he would have found, that *while*, in Scotch, signifies *untill*, the only acceptation in which it is found in the Letters and Confessions.

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not derived from the Latin, *neque contulerim sermonem cum quoquam*, but is translated, as literally, perhaps, into Scotch and English, as the language would admit. We are told, indeed, that the same idiom occurs repeatedly in one of Randolph's letters: "After these purposes the council being dissolved: Of this purpose we had long talk: This purpose fell in upon the report of Levingstone: In long purpose of this matter:" And in Murray's answer to the intended protestation; "I haif already declairit the effect of the hail purposes spoken in my audience; and in caise ony man will affirm that I was present quhen ony purposes were halden at Craigmillar in my audience, or that ony purpose was halden anent the subscribing of ony band by me⁸¹." In these instances, if we admit that the word is employed in a French acceptation, which is at least doubtful, still the English idiom is preserved in the phrase. But the real point in dispute is this; whether the French is translated from the Latin, or the Scotch from the French. "Quhile dinner time, *I held purpois to na body*," is an obvious translation of *je n'ay pas tenu grand propos*, with the omission or addition of a few words, as a literal version, (till dinner I held no great purpose,) was not even intelligible. The English, "I had (*je n'ay*)

⁸¹ Whitaker, ii. 408. Keith, 195. Goodall, ii. 321.

“used little talk ;” (*pas tenu grand propos*) is a literal translation, not like the Latin, (*contulerim sermonem cum quoquam*) from the Scottish version, but from the French original, of which it preserves the construction and the sense. And the same phrase occurs in Mary’s sonnet on the death of her husband, Francis II.

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Si je suis en repos,
Someillant sur ma couche,
J’oui qu’il me *tient propos*.

In the last clause, *Aussi personne ne s’ent voulu avancer*, is neither translated from the Latin, “*neque quisquam se offerre mihi sit ausus ;*” nor expressed correctly in the Scotch, “nor yet durst any present themselves unto me ;” but is more faithfully rendered in the English version ; “neither would any body adventure himself thereunto,” to converse with her on the road to dinner. The remainder, *jugeant bien qu’il n’y faisoit bon*, of which the Scotch and English, “judging, (thinking) that it was not good so to do,” are imperfect versions, is strictly idiomatic ; and is not translated from the Latin, “*ut qui judicarent id non esse ex usu,*” that it was not *ad suam utilitatem*, for their advantage or interest. The French idiom implies that it was not favourable, the Latin (*ex usu*) that it was not profitable or useful to address the queen ; but on this subject it is sufficient to appeal to every

CHAP. ^{IV} candid reader, whether *jugeant bien qu'il n'y*
faisoit bon, be translated from the Latin, "*ut*
 "qui judicarent id non esse *ex usu*," or whether
 the Scotch "judging that it was not so good to
 "do," is not obviously derived from the French
 original.

To the same impartial decision, the question
 may be referred, whether, in the French sentence
 which we have just examined, "there is not a spirit,
 "ease, and elegance to denote the original⁸²," for
 which it is in vain to search in the three transla-
 tions. On collating the whole together, *estant*
partie du lieu, being departed, (or gone) from the
 place, *posteaquam ab eo loco discessi*; *ou j'avois*
laisse mon cœur, quhaire I (had) left my hart, *ubi*
reliqueram cor meum; *il se peut aisement juger*
quelle etoit ma contenance, it is easy to be jugit,
 (may be easily judged) what was my countenance,
facilis est conjectura qui meus fuerat vultus; *veu*
ce qui peut un corps sans cœur, seeing that I was
 even as mickle as ane body without ane hart
 (considering what the body may without heart),
cum plane perinde essem atque corpus sine corde;
qui à été cause qui jusques à la dinee, quhilk was
 the occasion, (which was cause), that quhile din-
 ner time (till dinner), *ea fuit causa cur toto*
prandii tempore; *je n'ai pas tenu grand propos*,
 I held purpose to na body, (had used little talk),

⁸² Robertson, ii. 363.

neque contulerim sermonem cum quoquam; *aussi personne ne s'est voulu avancer*, nor yet durst ony (neither would any body), present themselves unto me (adventure himself thereunto), neque quisquam se offerre mihi sit ausus; *jugeant bien qu'il ne faisoit bon*, judging (thinking), that it was not good so to do, ut qui judicarent id non esse ex usu; whoever can believe that the French is a version derived from the Latin, or hesitate, on the evidence of these idiomatical phrases, to pronounce it the common original, from which the rest are translated, must be equally ignorant both of Latin and of French.

Not a single phrase in the French sentence prefixed to the Scotch, is derived from the Latin; but the very first step taken by the French editor, betrays his servile reliance upon that translation. The second sentence in Scotch is; “ Fower myle
“ ere I came to the towne, ane gentleman of the
“ Earle of Lennox came and made his commen-
“ dations unto me, and excusit hym that he came
“ not to meete me ;” in the English translation,
“ Four miles from thence, a gentleman of the
“ Earl of Lennox came and made his commenda-
“ tions and excuses unto me, that he came not to
“ meet me ;” in Latin, “ Ad quatuor passuum
“ millia antequam ad oppidum accessissem, homo
“ honesto loco natus, a Comite Leveniaë ad me
“ venit, atque ejus nomine salutavit: Excusavit
“ comitem quod non ipse obviam processisset ;”

Sequel to
the letter.

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in French, “Estant encor a quatre mille pas de la
 “ville, vint a moi un gentilhomme envoye par
 “la Compte Lenos, qu’il me salua en son nomme,
 “et l’excusa de ce qu’il ne m’estoit venu au
 “devant.” Here the translator adopts implicitly
 the Roman idiom, *quatuor millia passuum*; *ejus*
nomine salutavit; *obviam processisset*; and *homo*
honesto loco natus, is rightly translated *un gentil-*
homme, the only explanation of which it was sus-
 ceptible. Beyond the initial sentence our modern
 apologists trace minutely, with the most prepos-
 terous diligence, the translator’s servile adherence
 to the Latin; and very logically conclude that
 the letters must be forged, because a professed
 translation is not the original⁸³. The French
 preface assures them in vain, that the letters were
 translated through the Latin into French.
 “How is it possible,” they exclaim, “to fix men
 “who, after having, for two hundred years,
 “quoted and insisted on these letters as originals,
 “have now recourse to other letters which they
 “acknowledge to be lost⁸⁴?” as if a single author

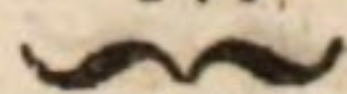
⁸³ “If it can be shewn, that instead of the French copies
 being the originals, the Scotch copies are the true originals,
 and that the French are apparently translations from Bucha-
 nan’s Latin, the conclusion plainly follows, that these French
 pretended originals, said to be written by Queen Mary, are
 spurious. This Mr. Goodall has done.” Tytler, i. 184.
 Whitaker, ii. 11.

⁸⁴ Tytler, i. 192. In another place, “Hume and Robert-

had ever maintained, in opposition to the translator's preface, that the French version contained the originals. But the proper test of the letters,

Its frequent
Gallicisms
the test of
its authen-
ticity.

son have been obliged fairly to acknowledge, that the French letters now extant, are palpable translations from Buchanan's Latin and Scotch copies, a *concession* the more remarkable, as it was never made before, by any individual on that side the question ; the present French copy being always held to be the original, from the year 1572, until the day that Mr. Goodall published his *Detection* of this pretended original." Id. 188. Whether the concession was ever made, is no part of the question, for the fact was never asserted, nor dreamt of, that the French *Detection* contained the originals. Such a mistake could only have arisen from Jebb's collection, in which the French *Detection* is inserted without the preface ; but no such mistake was committed by Anderson, nor by a single writer from Buchanan down to Robertson and Hume. Tytler (i. 232.) quotes a passage from Knox : " In this cabinet had Bothwell kept the letters of privacy he had from the queen. These letters were after printed : they were in French, with some sonnets of her own making." 410. Tytler, who mistook Blackwood for a Frenchman, (i. 208-11.) and Calderwood for a contemporary of Mary's, (ii. 12.) was ignorant that the fifth book of Knox's *History*, from which the extract is taken, was not written by Knox himself, but was compiled from his papers by David Buchanan, in 1643 ; and the passage does not signify that the letters were afterwards printed in French, but that they, the originals, were in French when taken. David Buchanan had undoubtedly seen the Scotch and Latin *Detection*, (which, as it was printed in England, Blackwood appears in his *Apologia pro Regibus* not to have seen) but he certainly never saw the French *Detection*, which, as it was printed abroad, was so scarce in Britain, that Ruddiman was unable to procure a copy when he

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where the initial sentence terminates, is the perpetual recurrence of those Gallicisms in the Scotch, which are unavoidable in a literal translation from the French. To recite them at length were to anticipate half the letters, which the reader will be better pleased to peruse entire, and better enabled, than from detached passages, to determine in what language they were originally written. Such minute and verbal illustrations will be more intelligible in short notes subjoined to the letters, than inserted as a previous comment in the text; and as every purpose of confutation or of proof may by these means be equally served, I shall proceed to more general observations on the letters themselves.

Confirmed
by the
queen's
letter to
Beton.

6. The long letter from Glasgow has been confirmed by the subsequent discovery of some secret circumstances to which it alludes. The information given by Highgate and Walker has been partly explained. The latter had informed the queen at Stirling, that her husband, assisted by some of the nobility, intended to seize and crown the young prince, and to assume the government in his son's name; "with sundrie
" utheris attemptis and purposis tending to this
" fyne; and being pressed he nominate Hiegate
" for his chief author, who had said that if he
published his edition of Buchanan. Ruddiman's Buchanan, Pref. 19.

“ had the samen moyen and credit with the quein
 “ he would not omit to make her previe to sic
 “ purposes and bruitis as passis in the countrie;
 “ and said further, that the king could not content
 “ nor bear with sum of the nobilitie attending in
 “ our court, but other he or thay behuvit to leave
 “ the samen.” Highgate, his author, when sent
 for and examined by the privy council, apparently
 on the queen’s return with her son from Stirling,
 denied the whole, but acknowledged that he had
 heard from Caldwell, Lord Eglington’s servant,
 a report, “ That the king suld be put in
 “ ward, quhilk was schawen by Hiegate to the
 “ Laird of Minto, quha again declairit it to the
 “ Erle of Lennox, and by him the king was maid
 “ participant thairoff, by quhas desire and com-
 “ mandement, Hiegate again, as he allegit, spake
 “ Caldwell;” but Caldwell, when examined, de-
 nied the whole. These circumstances, which
 are only to be discovered in Mary’s letter to Arch-
 bishop Beton⁸⁵, the day before her departure
 for Glasgow, explain the contents of her long
 letter to Bothwell, which were unknown to his-
 torians till the former letter had been published
 by Keith. The letter to Beton concludes with

⁸⁵ Supra. Keith, Pref. 8. The letter is in Scotch, in the
 queen’s hand; but Whitaker mistakes the original for a
 translation, and Madam Keralio’s erroneous translation for
 the original, which, in different passages, she did not even un-
 derstand. Whitaker, ii. 45. Note.

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severe complaints of her husband's *busy inquisition* into her actions, and with bitter reflections on his father's inclination to disturb her government; and her letter to Bothwell, commences with an apology from Lennox, who was afraid to meet her, "because of the rude words she spake to Cunningham," and his desire to "come to the *inquisition* of the matter she suspected him of;" which last is perversely applied to the murder of Rizio, in order to deduce a proof of forgery from a preposterous allusion to that remote event⁸⁶. But the passage refers, and in the queen's own words, to the *inquisition* of Highgate, in which Lennox was involved, and the rude words spoken to Cunningham relate to a former message brought by Cunningham, not to the subsequent letter from Lennox to the queen on the day preceding the trial of Bothwell. Nothing surely can be more probable than this, that Lennox, when implicated in the *inquisition* of Highgate, would send his confidential servant with letters from Darnley, to exculpate themselves from the imputation of an intention to seize the government. Accordingly the queen, on her first visit to her husband, "inquirit him of his letters, quhairintill he playneit of the crueltie of sum⁸⁷;" on her next visit

⁸⁶ Whitaker, ii. 16—22.

⁸⁷ Buchanan, without any view to confirm the long letter, informs us of the queen's correspondence with Darnley. "Superiorum mensium suspicionibus, per frequentes et amicissime

she asked, “why he would pass away in the English ship,” and then “inquirit him of the inquisition of Highgate.” His letters, and the English ship, are again referred to his former letters when he left the court in September, and had a ship ready to quit the kingdom⁸⁸; but these facts, combined with the inquisition of Highgate, are easily explained. It is properly termed the *inquisition* of Highgate, who was examined upon the information he had given to Walker; concerning a design to seize and crown the young prince, and to usurp the government; which the king denied, till she “schewed hym the very wordes was spoken. At quhilke tyme he said that Minto had adverteist hym⁸⁹

scriptas literas (ut ipsa rebatur) satis perpurgatis :” (lib. xvii. p. 350.) and Lesly’s reason for her journey, “her bearing and being advertised that he was repentant and sorrowful, and that he desired her presence,” implies a letter or message from the king. Anderson, i. 12.

⁸⁸ Whitaker, ii. 50. 83—200.

⁸⁹ To this passage the most preposterous objections are made by Whitaker; that the king knew nothing of the inquisition; that the words spoken (to usurp the government) were reported by Walker, not by Highgate; and that he spoke to Highgate, not to Minto, on the design to put him in ward, Whitaker, ii. 94. But the inquisition was made to discover the supposed design to usurp the government; the French genitive, “I enquirit him of the inquisition of Highgate,” (*Je l’enquis de l’inquisition*) signifies touching, concerning the subject of that inquiry, which he denied, till she “shewed him the very words spoken,” by his father or

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“ that it was sayd that sum of the counsel had brought her a letter to be subscrivit to put hym in pressoun, and to slay him if he made resistance,” and that Minto “ belevit the same to be true.” But that he “ could not doubt of her in this porpois of Hiegattes,” being his “ proper flesh, as weill as it was schawen that she refusit to subscribe the same ;” and Blackwood, with his usual veracity, assures us that Murray first informed her of the conspiracy of her husband and the nobility at Glasgow, and urged her to hasten thither with an army to prevent their designs⁹⁰. From this apology for the words spoken, the fact is obvious: On the first notice from Minto, of a design to put him in ward, he or his father had uttered those rash expressions, which Highgate communicated to Walker, that they would seize himself; and the English version coincides minutely with her letter to the Archbishop: “ And then he said that Minto had sent him word (advertysit him, Scot.) that it was said that some of the council had brought me a letter to sign to put him in prison, and to slay him if he did resist, and that he asked this of Minto himself, who said unto him, “ that he thought it was true.” According to the letter to Beton, Minto informed his father, that is, sent him word of the report, in consequence of which, he could not fail to interrogate Minto himself, before he examined Highgate, Minto’s author, or directed him to speak to Caldwell concerning the truth of the report.

⁹⁰ Jebb, ii. 214. The sole foundation for Blackwood’s fiction, is Mary’s letter to Archbishop Beton, which he must have seen, as he quotes the archbishop’s answer. Id. 215.

the person of the young prince, and assume the government in his name: but on farther reflection, as he was “in great suspicion,” even “of his life,” he resumed the design of passing away, not in the former ship for Flanders, which must have lain in Forth, but in an English ship which Buchanan informs us was then in the Clyde⁹¹. The first was a sufficient cause for the removal of the young prince from Stirling, (January 14) the second for the sudden expedition of the queen to Glasgow, (January 21) to prevent her husband’s escape. The object of her journey undoubtedly was, to bring him to Edinburgh, within her own power, by persuasion or by force; and his intended departure seems to be obscurely intimated in her letter to the archbishop; that either he, or the nobleman with whom he was discontented, “behooved to leave the samen;” by which Darnley probably meant the country, not the court which he had already abandoned.

Her subsequent inquiries coincide exactly with her letter to Beton. “He is angry when I speak
Their exact coincidence.
 “of Walcar; and sayis that he lyes,” (in the information of his design to usurp the government) “for I inquirit him upoun that, and that
 “he was angry wyth sum of the lordis and wald
 “threaten them.” The lords with whom he

⁹¹ Buchanan, 350. Lethington’s letter to Beton, Appendix, No. I.

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was discontented, are also named. “He inragis
 “when he hearis of Lethington, or of you, or of
 “my brother (Murray); of your brother (Hunt-
 “ley) he speikis nathyng: He speikis of the
 “Erle of Ergyle; I am in feir (of Argyle;
 “afraid of him in the English version) when I
 “heare him speik, for he assuris himself that he
 “hes not ane evill opinioun of him: He speikis
 “nathing of tham, that is out, nouthur gude or
 “evill, but fleis that point.” The last passage,
of tham that is out, in the English version, *those*
abroad, is applicable, not merely to Morton,
 Lindsay, and Ruthven, to whom, though still
 prohibited to approach the court, a pardon had
 been granted upon Christmas eve⁹², but to those
 from whom the pardon was still withheld. Among
 others not included in the pardon, Ker of Faul-
 donside, who forced Rizio from his mistress’s
 waist, and George Douglas, the late Earl of An-
 gus’s natural son, who inflicted the first wound
 with the king’s dagger, were excepted by the
 queen; but the passage applies peculiarly to the
 latter, as the Countess of Lennox’s brother, and
 Darnley’s uncle, and prime confidant, in concert-
 ing the murder⁹³. But the supposed forgers,
 Murray and Lethington, never would have intro-
 duced themselves in conjunction with Bothwell,

⁹² Whitaker, ii. 223.

⁹³ Calderwood, MS. ii. 14. Robertson, ii. 431. Melvil,
 64. Murdin, 763.

as the objects of Darnley's distrust or aversion, purposely to exculpate Argyle and Huntley; and in another passage, "that he knew weill anewch
"that my bruther had shewin me that thing
"quhilk he had spoken in Striveling, of the
"quhilk he denyis the ane half, and above all,
"that ever he cum in his chamber;" Murray never would have represented himself as betraying Darnley's conversation and actions to the queen. It is not sufficient to affirm that in order to authenticate the letters, they availed themselves, in these passages, of incidents sufficiently known at the time. The coincidence of their supposed forgery with a genuine letter, was unknown to themselves, and was discovered only after the letter to Beton had been published by Keith. But the exact coincidence of the two letters, which is altogether unaccountable on the supposition of forgery, was unavoidable to Mary, in writing successively on the same subject, to Beton and to Bothwell. A forger, who invariably addresses the public, would have entered minutely into those facts to which Mary alludes incidentally, as already known to Bothwell, but which she explains at length in her letter to Beton; and for the same reason the answers of her husband are minutely related as important to Bothwell, to whom the facts themselves were sufficiently known.

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IV.Precise
date of the
first letter.

The precise date of the letter remains to be ascertained. Mary, who had left Edinburgh upon Tuesday, January 21, and reached Glasgow on Thursday 23, informs Bothwell that the king sent for Joachim, according to the Scottish version, yesternight, to discover the cause of her arrival; and proceeds immediately to the particulars of her first visit and conversation with Darnley, before and after supper, when he had requested her to return. On the last conversation concerning Highgate, she observes to Bothwell, “*the* “*morne* I will speake to hym (Minto) upon thys “point⁹⁴ ;” and concludes their first night’s conversation thus: “He would not let me depart from “him, but desirit that I suld wake with him. “I make it seeme that I beleve that all is true, “and takes heed thereto, and I excusit my- “self for *this night* that I could not wake.— “*Thys day* hys father bled at the mouth and “nose.—*Thys* is my first *jorney*, (day’s work) “I sall end the same *to-morrow*. I am in doing

⁹⁴ The Scotch copy adds, “as to the rest of Willie Hiegaites he confessit it, but it was the morne after my cumming or he did it;” in the English, “the rest as Will Hiegaites confesses, but that it was the next day that he came hither;” from the diversity of which, nothing can be inferred. From the indistinctness of Mary’s hand, the first and third persons, *ie* and *il*, seem to have been frequently confounded in the two versions.

“ of a werk here, that I hait greatly :” which the English version explains : “ but I had begun “ it (the letter) *this morning*. I am gangand “ to seck mine (repose) till *the morne*, quhen “ I sall end my Bybill.” The letter was begun in the morning, and written thus far at least, upon Friday the 24th, the day after her arrival at Glasgow, to which, and to the incidents of the preceding day, it is strictly confined. But she proceeds, “ I am irkit, and ganging to sleipe, “ yet *I cease not* to scribbill *all this paper*, inas- “ mikle as restis thairof ;” in the English, “ I “ cannot forbear scribbling as long as there is “ any paper.” Three sentences afterwards, ten detached notes or memorandums occur, of which nine relate in succession, each to a distinct topic in the preceding part of the letter, and the tenth “ of Monsieur de Levingston” is resumed in the postscript or continuation of the letter. “ I had “ almost forgot that, Monsieur de Livingstoun “ sayd at suppar—and after suppar he sayd to me, “ ye cannot be sa welcum to thame (Darnley) “ as ye left sum body *this day* (Thursday) in “ regrait.” Thus, instead of deferring her letter till the next morning, she continues scribbling till late at night, and when her paper failed, she resumed the last topic of her notes, which she had almost forgotten, upon the sheet containing those notes or memorandums of the preceding day. She proceeds to the detached incidents of

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the second day, and the remainder of the letter, which had been begun in the morning, was finished that night. “I wrought thys day quhilk
“it wes twa houris upon thys bracelet;” and in her haste to conclude what was considered at York as the postscript to her letter⁹⁵, she gives frequent credit to the bearer, “because I hailf
“over mikle to writ, and it is lait, I gief traist
“unto him upon your word. He desiris me to
“come and see him ryse *the morne* betyme, and
“if I learne any thing heir, I wyll make you
“memoriall *at evin*;” in the English, “every night
“a memorial thereof.” She concludes, “it is
“lait, I desire never to *ceisse fra wrytyng to you*,
“yet now after the kissing of your hands, I will
“*end my letter*;” which she had prolonged beyond her intention, as long as her paper lasted, on the additional sheets containing the memorandums of that, and of the preceding day. This fact she explains herself: “Excuse my evill
“wryting,—and, excuse that that is scribbled,
“for I had no paper yesterday, quhen I wrayt
“*(took, Eng.) that of the memoriall*⁹⁶;” of

⁹⁵ Anderson, iv. Part ii. p. 72.

⁹⁶ The English may appear to be different, but the meaning is the same. “Excuse also that I scribbled, for I had yesternight no paper, when I took the paper of a memorial.” *Faire un memoir* is the French, “to take a memorandum,” is the English idiom; *et quand je fis cela de memorial*, seems to have been variously translated, in the Scotch and Eng-

which the only interpretation is, that she had used her letter paper for the memorandums of Thursday night. The notes or memorial of yesterday, containing the transactions of Thursday, ("yesterday night the king sent for Joachim") fix the date of the letter on Friday, and its whole tenor demonstrates that it was begun and finished on the same day. It concludes with another series of notes, relating, all but one, ("of his mother") to the contents of the postscript; and these are either the notes of Friday, written after the letter was begun in the morning, or the credit given to the bearer, whom, from the next letter, the commissioners at York understood to be Paris. But the memorial of yesterday, are the notes in the middle, of the transactions on Thursday, when she was prevented from writing as she watched with the king. "She excusit herself *this night,*" Friday, and instead of "ceasing to write when irkit, and ganging to sleep," at her accustomed hour, she continued scribbling till late at night: the letter, therefore, instead of being deferred till morning, much less till the next evening, was finished at midnight, upon the same day on which it was begun.

The objections to this explanation are of no force. The memorial of yesterday relates, says

lish versions, when I wrayte, or took, that (paper) of the memorial.

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~ Tytler⁹⁷, to a separate paper of credentials to the bearer; *as if that thing that is scribbled*, were not the memorial of yesterday, or required an excuse distinct from that for her evil writing, if not inserted in the letter itself. But when the notes in the middle, relate, all but the last, to distinct topics in the preceding, and the last is resumed in the succeeding part of the letter, it is impossible to consider these as notes of the credit given to the bearer, or to suppose that the writer, at the close of each day, summed up the contents to Bothwell. The fact undoubtedly is, that Mary, writing till late at night, continued her letter when the paper failed, on the same sheets upon which she had previously taken memorandums of its contents: and as she was a ready writer, accustomed in England to sit up writing till past midnight⁹⁸, there was sufficient time for a letter of three or four sheets, begun in the morning, to be finished that night.

Second letter.

7. The second letter in the Latin, but the first in the English edition, is dated “from Glasgow “ this Setterday in the mornying,” and was sent by Beton, one of her servants, who returned to Edinburgh upon some business of his own. The

Initial sentence.

initial French sentence is “ Il semble qu’ avecques “ vostre absence soit ioynt l’oublie, veu qu’ au

⁹⁷ Tytler, i. 273. Whitaker, ii. 143—232.

⁹⁸ Haynes, 511.

“partir vous me promistes de vos nouvelles: Et
 “toutesfois je n’en puis apprendre,” &c. The
 Scotch is; “It appearis that with your absence
 “there is alswa jointit forgetfulnes, seand that at
 “your departing, you promisit to make me ad-
 “vertisement of your newis from tyme to tyme:”
 The Latin; “Videtur cum tua absentia conjuncta
 “esse obliviscentia, presertim cum in tuo discessu,
 “promiseras quod me certiolem faceres, si quid
 “incidisset tibi novi, per singula prope mementa.”
 Here the spirit, and superior elegance of the
 French original are again conspicuous. *Il semble*
qu’avec votre absence soit joint l’oublie, is a natu-
 ral and easy expression of gallantry; but “It
 “appearis that with your absence there is alswa
 “jointit forgetfulnes,” is almost as harsh and con-
 strained in Scotch, as *videtur cum tua absentia*
conjuncta esse obliviscentia, is in Latin. “Il sem-
 “ble que,—soit joint,” are not the same with
 “*videtur cum tua,—conjuncta esse;*” but the ori-
 ginals from which the Scotch, “It seems *that*,—
 “there is alswa jointit,” are obviously derived;
 and the very inversion of the phrase, *qu’avec votre*
absence soit joint l’oublie, so familiar in French,
 is uncouth and stiff in the translation; “that
 “with your absence there is alswa jointit forget-
 “fulnes.” The next clause, *veu qu’au partir*, is
 not derived from *presertim cum in tuo discesse*, but
 is translated into “seand that at your depart-
 “ing,” in the Scotch; and *vous me promistes de*

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vos nouvelles, is an idiom peculiarly French, which the translators and their commentator have all mistaken. The Scotch translator has recourse to a paraphrase, “you promised to “make me advertisement of your news;” and the Latin still more circuitously, *promiseras quod me certiolem faceres si quid incidisset tibi novi*; from which the French undoubtedly is not derived. But the French translator, according to Whitaker, having rendered *promistes si quid incidisset tibi novi*, by *promistes des vos nouvelles*, guessed at the meaning of *certiolem faceres*, and added *et toutesfois je n’en puis apprendre*, as a blundering translation of what he did not comprehend⁹⁸. Neither Wilson nor Whitaker, it seems, understood the common French phrase, *vous me promistes des vos nouvelles*, you promised to let me hear from you, or know how you did; and Mary, who reminds Bothwell of his promise, on Thursday, that she should hear from him soon, complains on Saturday, *et toutes fois je n’en puis apprendre*, and yet I can learn nothing of them, *de vos nouvelles*. The same idiom occurs in the first letter; “I am fashit that it stops me to write “news of myself unto you;” in the English version, “from writing unto you of news of myself;” *de nouvelles de moimeme*: Henry IV. writes to his mistress, the Duchess of Beaufort;

⁹⁸ Whitaker, ii. 238.

“J’ay reçu ce matin à mon reveil *de vos nouvelles* :” and Archbishop Beton, whose vernacular language, from his residence at Paris, was necessarily infected with French idioms, employs the same phrase in a letter to Mary; “yet can I not be out of feir while I heir *of your novellis*.”

The Scottish translator, transcribing the expression literally, *de vos nouvelles*, guessed at the context, and from the first word, *toutesfois*, gave us, “from tyme to tyme,” which Wilson translated, “per singula prope mementa.” But an idiomatical French phrase, peculiar to the language in which alone it is significant, demonstrates beyond contradiction that the initial sentence is a part of the original, of which the Scotch and Latin are two successive, and servile translations.

The same idiom pervades the whole letter. In the next sentence, for instance, “The awayting Remainder of the letter. upon tham (*vos nouvelles*) yesterday, causit me to be almaist in sic joy as I wil be at your re- turning, quhilk ye have delayit langer then your promise was.” Whatever was the arrangement of the original sentence, Bothwell had promised, not to return, but, *de ses nouvelles*, to let her hear from him, or rather, to send her notice yesterday: but the initial sentence no sooner fails, than the French translator adopts the obvious mistake of the Latin and the Scotch; “quem (*reditum*) distulisti ultra

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“quam promiseras:” “votre venue; laquelle
“vous avez differee plusque ne m’aviez promis.”

In a subsequent sentence, “advertise me of your
“news at length,” the Latin, *fac me certio-
rem de tuis rebus prolixè*, is translated literally, *faites
moi savoir bien au long de vos affaires*; a sufficient
proof that the French translator was neither
ignorant of *certio-rem facere*, nor the author of
promistes de vos nouvelles in the initial sentence
of the French original.

On what
occasion
written.

The letter contains other idioms indisputably
French: but the notice expected from Bothwell,
was, whether the king should be carried to Craig-
millar, or to the Kirk of Field. Having dis-
patched her long letter over night by Paris, she
expected on Saturday morning to hear from
Bothwell, who had promised upon Thursday to
send her notice next day. She writes therefore
by Beton, a casual messenger, that “Howbeit
“she had na further news from Bothwell, ac-
“cording to her commissioun she would bring
“the man with her to Craigmillar upon Monday
“—gif she get na newes in the contrary, and
“prays him—advertise me of your newes (let
“me hear from you) at length, and quhat I sall
“do in case you be nat returnit quhen I am come
“thare;” which refers explicitly to the journey
intimated in her first letter; “gif ye be in Edin-
“burgh at the receit of it, send me word sone.”
That journey, so peculiarly important to Mary,

has already been explained ; and she prays Bothwell to send her *gude newes of his voyage* (to procure an interview with Morton), which the supposed forgers were so desirous to conceal.

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8. The third and last letter in the Latin, but the fourth in the English edition of the Detection, begins “ J’ay veille plus tard la haut que ie n’eusse fait, si ce n’eust esté pour tirer ce que ce porteur vous dira, que ie treuve la plus belle commodité pour excuser vostre affaire qui ce pourroit presenter :” in the Scotch, “ I have wakit laiter thair up then I wald have done, if it had nat bene to draw sum thing out of hym, quhilk this bearer will shew you, quhilke is the fayrest commoditie, that can be offerit to excuse your affaires :” in the Latin, “ Duitius illic morata sum quam volebam, nisi id factum fuisset, ut aliquid ex eo exculperem, quod hic tabellarius tibi indicabit, quæ est bellissima occasio quæ se poterat offerre ad excusandum nostra negotia.” In this initial sentence, the Latin translator, who was certainly not Buchanan, mistaking *wakit* for *waited*, converted the first clause into *Diutius illic morata sum* ; but in answer to this observation of Robertson’s, Whitaker supposes, by a double solution, that Buchanan read, *I wakit laiter up thair*, and that the intermediate, or corrected copy of the Latin, contained *Diutius illic vigilavi sursus*, from which the French, *J’ay veillé*

Third letter.
Initial sentence.

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plus tard la haut was literally derived⁹⁹. It is unnecessary to observe that an intermediate Latin copy, more correct than the press, is altogether imaginary, to obviate the derivation of the Scotch from the French. But the man must be ignorant of the language indeed, who perceives not the genuine French idiom, *J'ay veillé plus tard la haut*, (*monter la haut*) I watched later above stairs, of which the Scotch, "I waikit laiter, *la haut, thairup*", is a literal version, hardly intelligible without the French original, and utterly unintelligible to the Latin translator. The context, *que ie n'eusse fait*, is no translation of *quam volebam*, but is translated literally, "than I wald have done." Much less is the next clause, *si ce neust esté pour tirer ce que ce porteur vous dira*, derived from the Latin, *ut aliquid ex eo exculperem quod hic tabellarius tibi indicabit*. On the contrary, it is translated almost literally into Scotch, "if it had not bene to draw sum thing out of him quhilke this bearer will schew you;" and it is observable that *factum fuisset*, is transferred apparently from the former clause, *que je n'eusse fait*, "than I wald have done:" "sum thing out of him," *aliquid ex eo*, is inserted in both versions to render the sense of the original explicit; and the licentious translations of *vous dira*, "shew you," is preserved in *tibi indicabit*, as a proof

⁹⁹ Robertson, ii. 366. Whitaker, ii. 261.

that the French original has been derived neither from the Latin nor from the Scotch. In the next clause, *que je trouve la plus belle commodité*, there is no trace of the Latin, "*quæ est bellissima occasio ;*" *pour excuser votre affair qui se pourroit presenter*, "*quæ se poterat offerre ad excusandum nostra negotia ;*" but the Scotch is as evidently derived from the French as the Latin from the Scotch; "*quhilk is the fairest commodite that can be offerit to excuse your affairs,*" in which *la plus belle commodite, pour excuser votre affaire*, are French phrases literally transcribed.

To determine which is the original and which the translations, on collating them together, *J'ay veillé plus tard la haut*, I wakit laiter thair up, *diutius illic morata sum, qui ie n'eusse fait*, than I wald have done, *quam volebam, si ce n'eusse esté*, if it had not bene, *nisi id factum fuisset, pour tirer ce que ce porteur vous dira*, to draw sum thing out of him quhilk this bearer will schew you, *ut aliquid ex eo exculparem quod hic tabellarius tibi indicabit, que je trouve la plus belle commodité*, quhilke is the fayrest commodite, *quæ est bellissima occasio, pour excuser vostre affaire qui ce pourroit presenter*, that can be offered to excuse your affairs, *quæ se poterat offerre ad accusandum nostra negotia*; no doubt can remain that the French, instead of being a translation from the Latin, is the original from which the Scotch and Latin were successively derived.

Collated
with the
transla-
tions.

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Its date and
purport as-
certained.

The purport of this letter is explained by the commissioners at York. "After the device of the murder was determined, they (the Scottish commissioners) inferred upon a letter in her own hand, that there was another mean of a more cleanly conveyance devised to kill the king; for there was a quarrel made betwixt him and Lord Robert of Holyrood-house, by carrying of false tales betwixt them, the queen being the instrument, as they said, to bring it to pass: which purpose, if it had taken effect as it was very likely, for the one giving the lye to the other, they were at daggers drawing, it had eased them of the prosecution of this devilish fact¹⁰⁰." The letter from which this device was inferred, instead of being lost, as erroneously supposed, appears to be the identical letter now under review. The secret which she remained till late above stairs to draw from the king, was the intimation which he had received from Lord Robert Stuart, her natural brother, who according to Buchanan, "*uxoris insidias ad eum deferre est ausus*," according to Melvil, "told him, (Darnley,) that if he retired not hastily out of that place, it would cost him his life, which he told again to the queen¹⁰¹," whose

¹⁰⁰ Anderson, iv. Part 2d. p. 61.

¹⁰¹ It is observable that the real cause of the quarrel, Lord Robert's confidential information to Darnley, of the designs

inventive brain conceived, and represented it to Bothwell “ as the fairest commodity to excuse his

against his life, was concealed at York, and in Buchanan's Detection, for which a sufficient reason will afterwards be assigned. But Buchanan, writing without any controul, and when the reasons for concealment had ceased, explains the whole fact in his history: “ Unus inventus est Robertus, Reginæ frater, qui sive facinoris atrocitate, sive adolescentis misericordia motus, uxoris insidias ad eum deferre est ausus, sed ea lege, ut rem apud se tacitam contineret, ac suæ incolumitati, quam posset commodissime consuleret. Id Rex cum, pro sua consuetudine, Reginæ indicasset, Robertusque advocatus rem constanter negaret, alterque alterum mendacii argueret, et uterque ad arma manum admovisset, Regina, hoc spectaculo læta, quod sine suo labore et molestia, suorum consiliorum exitum in propinquo videret, alterum fratrem Jacobum advocat, velut ad litem dirimendam: revera, ut ipse quoque per occasionem tolli posset, nemo enim earum rerum aderat arbiter, præter unum Bothuelium, qui inferiorem potius in eo certamine conficeret, quam dissentientes destineret: quod adeo verbis testatus est, cum diceret; nihil esse, cur Jacobus tantopere properaret, ut homines non ita pugnandi cupidos dirimeret.” Hist. p. 350. Above a century after Buchanan's death, the principal facts were confirmed by Melvil's Memoirs. “ Yet Lord Robert, Earl of Orkney, told him that if he retired not hastily out of the place, it would cost him his life, which he told again to the *queen*; and my Lord Robert *denied* that ever he spoke it. *This advertisement* moved the Earl of Bothwell to haste forward his enterprise.” Melvil, 78. It is obvious that the scene which passed when Lord Robert was confronted with Darnley, and denied the words, is suppressed by Melvil, or his editor, out of tenderness for the queen. But the principal facts are preserved; that Darnley received and communicated the

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“ affairs.” In the next sentence, she “ promised “ to bring him to him the morn,” when she confronted her brother with her husband upon Saturday; and she desires Bothwell to “ put order “ unto it if ye finde it gude,” by inciting some quarrel between those fierce young men. The letter therefore was written at the Kirk of Field, upon Friday, the second night that the queen slept in the lower apartment, when Paris informs us that he carried letters that night to Bothwell; that she observed on Saturday morning to those of her chamber, that there had been a quarrel between the king and Lord Robert, who had a fair opportunity to have killed him then, as none were present to part them but herself; and that she sent Paris in the evening with a message to Bothwell, that it would be best to persuade her brother to go with Blackadder to the king’s chamber, to do that which Bothwell knew, which would cost him only a short imprisonment in the castle¹⁰². Having intimated what detained her so late above, she proceeds to other topics, her fears and jealousy of Bothwell’s wife, whom she compares indirectly to the “ second lufe of Jason,” as she claimed the merit of a prior and intelligence to the queen, which Lord Robert then denied; and that this advertisement hastened the execution of Bothwell’s plan. Buchanan’s veracity has been confirmed on the most disputed facts, by subsequent discoveries in the course of this work.

¹⁰² Paris’s second confession. Appendix, XXIV.

exclusive attachment herself. Not that she wald compare him to one so unhappy as Jason, nor herself to one so unpityful as Medea; “howbeit
 “ye cause me to be sum quhat lyke unto hyr
 “in one thing that touchis you or may preserve
 “and keep you unto her to quhom only ye apper-
 “taine; if it be sa that I may appropriate that
 “quhilk is wonne through faythful yea only luf-
 “fing of you.” The faithful or willing obedience which she so frequently professes to Bothwell; “his gude grace of the quhilk her behaviour
 “sall assure her;” her constant fear to offend him; “now Syr I have broken my promise” (not to write nor to send) “yet I haif not done
 “this to offend you;—though faythful yea only
 “loving of you as I do and sall do all the days
 “of my lyfe,” are the same sentiments and almost the same words which occur in her subsequent letters to Norfolk. “I trust in God you
 “shall be satisfied with my conditions and behaviour and faithful duty to you. I wrote to
 “you before to know your pleasure. Let me
 “know your mind, and whether you are not offended at me, as I fear you are: I have sought
 “to avoid displeasure for fear of you:—Believe
 “him of all that he will assure you in my name,
 “that is in effect that I will be true and obedient unto you, as I have promised, as long as I
 “live¹⁰³.” In these we discover the same artful

¹⁰³ Hardwicke State Papers, i. 191-2-3.

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professions of obedience, the same protestations of eternal constancy, to efface the impression of her recent, or frequent change, the same affected apprehensions to offend as in her letters to Bothwell; with this difference, that the former are addressed to a weak, but well-meaning nobleman; the latter to a libertine, in obscure, but indelicate terms, on the subject of their guilty loves.

After these professions, to which Mary was so peculiarly addicted, she returns to the first purport of her letter, “advertyse me tymely in the morning, how ye have faren (succeeded with Lord Robert) for I will be in payne unto I get word. Make gude watch if the burd eschaip out of the caige, or without her mate, as the turtur I sall remayne alone for to lament the absence how schort that soever it be.” In this obscure sentence, the first clause relates to Darnley’s information from her brother, which she had just discovered; the second to herself; and the third to Bothwell, whom she desires to make gude watch, if the burd (her husband) eschaip out of the cage (the Kirk of Field) or, as the turture, without her mate she shall remain alone to lament the absence; (of Bothwell her mate;) in which she abandons the sense for a poetical conceit from her favourite Ronsard. “This letter,” she adds, “will do with a gude hart, that thing quhilk I cannot do myself, if it be not that I have fear that ye are in sleeping;” allud-

ing distinctly to the murder, which Bothwell, as appears from Hay's deposition, had then intended to perpetrate upon Saturday night. "I durst not write this," she concludes, "before Joseph, Bastian, and Joachim, that did but depart even quhen I began to write;" and for whom there was no accommodation at the Kirk of Field, the place to which the whole letter indisputably refers.

9. The fifth letter in the English edition, though apparently the third in the order of time, is still extant in the original French, of which a copy, preserved in the State Paper office, is inserted in our Appendix, with the two successive translations subjoined. The initial lines prefixed to the Scotch, are adopted, as usual, in the French translation, done at Rochelle. "Mon cœur hélas! fault il que la follie d'une femme, dont vous cognoissez assez l'ingratitude vers moi, soit cause de vous donner desplaisir." "My heart, alas! must the follie of ane woman, quhose unthankfulnes toward me you do sufficiently knaw, be occasion of displeasure unto you." Mon cœur hélas! &c. is an expression of tender endearment peculiarly French, (*mon cœur, mon petit cœur, mon cher cœur*), and is addressed to Bothwell, to whom the same epithet is frequently applied in the sonnets;

Par vous, mon cœur! et par votre alliance.

Mon cœur! mon sang, mon ame, et mon souci.

Fourth letter.
Initial sentence.

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And in the letters of Henry IV. to the Duchess of Beaufort, already quoted, “ (Mon cœur! j’ay
“ resceu ce matin a mon reveil de vos nouvelles,
“ cela me rend, &c.)” the same expressions, mon cœur, mon cher cœur, repeatedly occur. But the Scotch translation, my heart alas! &c. strikes us as an affected apostrophe to the queen’s own heart, at having unconsciously incurred the displeasure of Bothwell. The Latin edition contains only the three first letters; but as those who affirm that the French has been uniformly translated from an intermediate Latin version of the Scotch original, now lost, must also maintain that the initial French sentence, Mon cœur hélas, is derived from a translation of My heart alas! into Latin; Meum cor, eheu, &c. would be a novelty indeed. But it is needless to inquire which of these is the original phrase, as the initial sentence no sooner fails, than the French translator betrays his departure from the original, and his ignorance of the Scotch.

The subject of the letter is the dismissal of Margaret Carwood, the queen’s confidential maid, on the discovery of her being with child to Bastian; and the next sentence in the original, “ veu que je n’eusse sceu y remedier sans le
“ scavoir et depuis que m’en suis apersue,” is translated *verbatim*, “ considering that I could
“ nat have remedyt thairunto without knawing
“ it. And since that I perceavil it!” &c. But

the French translation, “*veu que ie n’y pouvoye
mettre remede, sans la donner a cognoistre ;*” CHAP.
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deviates both in idiom and in sense from both;  
and implies that she could not have applied a  
remedy without occasioning the discovery of  
her maid’s dishonour. The subsequent miscon-  
ceptions of the sense, and deviations from the  
idiom, are referred to the Appendix, as too nu-  
merous to be inserted in our text.

This letter, which we have postponed for con-  
venience, appears to have preceded the former,  
and was probably written upon Thursday night,  
when the queen slept for the first time at the  
Kirk of Field, and when Paris carried letters to  
Bothwell at midnight. The jealousy which she  
afterwards discovers, of Lady Bothwell’s in-  
fluence, corresponds with her previous conversa-  
tion with Paris, whom Bothwell had forbidden  
to mention, that his wife was with him; but the  
queen, among other topics, urged him to speak  
of Lady Bothwell that very night<sup>105</sup>. The same

<sup>105</sup> Paris’s second Confession; Appendix, XXVI. The  
letter concerning Margaret Carwood, contains no reference  
to the bearer. Accordingly Paris informs us, that the first  
letter with which he was sent on Wednesday or Thursday  
night, was without any credence; *mais rien de creance*. But  
in mentioning incidentally that the queen slept again upon  
Friday night at the Kirk of Field, and again sent him with  
letters to Bothwell, he was immediately interrogated, if he had  
heard nothing farther of the murder on Saturday morning.  
This question appears to have diverted his attention, from the



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subject dwelling upon her mind, is very naturally introduced at length in her next letter upon Friday night; (the preceding letter, which we have already examined). In the present letter she observes, “ si vous ne me mandes ce soir ce  
 “ que volles que ien faise, je m’en deferay au  
 “ hazard de la fayre entreprendre, ce qui pour-  
 “ roit nuire a ce a quoy nous tandonz tous deux.” What she would rid herself of at the hazard of causing to be enterprised, was the dismissal and marriage of Margaret Carwood, “ which  
 “ might be hurtful to that, (their own union),  
 “ whereunto, both they did tend.” “ Et quant  
 “ elle sera mariee je vous suplie donnez m’en une,  
 “ où ien prandray telles de quoy vous contanteres  
 “ quant a leur conditions, mays de leur langue  
 “ ou fidelité vers vous ie ne vous en respondray.”

His answer was returned that same night; and as it is evident that he was alarmed or vexed at Margaret Carwood’s indiscretion, or dismissal at that particular juncture, so it appears from Paris’s first declaration, that she was not only privy to the adultery, but was intimately conscious of the designs against Darnley’s life<sup>106</sup>. That she was possessed of such dangerous secrets, is farther confirmed by a pension of credence to which the letter concerning Lord Robert refers, to the queen’s conversation on Saturday with those of her chamber.

<sup>106</sup> Paris’s first Confession; Appendix, XXVI.



three hundred merks, for which she obtained the queen's signature the day thereafter; upon Saturday, the day preceding her marriage, and the murder of the king<sup>107</sup>.

10. The four letters preceding the murder are therefore genuine, and every chronological objection to their dates is removed. From the dates preserved in the public records, of charters and other instruments signed by the queen, Goodall maintained, that she did not leave Edinburgh till Friday the 24th of January, nor arrive at Glasgow till Saturday the 25th, when the two first letters, which must therefore be forgeries, were already written. The fact is now ascertained beyond dispute, that no such reliance can be placed on the records, as the dates were arbitrarily annexed by the writer when the deeds were written, and the queen's signature was afterwards obtained<sup>108</sup>. From a vague expression in Mur-

Chronological objections to the letters preceding the murder,

<sup>107</sup> Supra, chap. i.

<sup>108</sup> Goodall, i. 122. Robertson, ii. 371. Goodall might have been convinced, by his own extracts from the public records, that the dates, though generally, were not always correct, as the deeds were commonly written at Edinburgh, and dated by the writer (unless when fraudently antedated) at the place where the queen was supposed to be. Thus, one signature is dated at Perth, June 20th, 1566, the day after the queen was delivered in Edinburgh castle, of which the only explanation is this, that it was written long afterwards, and fraudulently antedated by guess, to give it the preference over other deeds. Another signature is dated at Hermitage,



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ray's Diary, Whitaker supposes that the four letters preceding the murder, were all from Glasgow; and dividing the first letter into two parts, which he assigns to Friday and Saturday night: the second letter he appropriates to Saturday or

Oct. 16th, when we know that the queen was taken ill at Jedburgh of the sickness that endangered her life. Two signatures are dated Nov. 15th, the one at Jedburgh, the other at Dunbar, when, according to Lethington's letter in Keith (353), the queen was at Wedderburn, and went to view Berwick that day. Another signature is dated at Edinburgh, Dec. 21st, and a third, Dec. 22d, when the queen was at Stirling, during the solemnities of the baptism. The deeds dated at Edinburgh on the 22d and 24th of January, were therefore antedated, and in fact are inserted in the records, after other deeds in April and May. The deeds dated at Edinburgh, on the 22d and 24th of April, are in the same situation. Other deeds are dated at Stirling on the 22d and 23d, and on the 24th the queen was seized by Bothwell, and carried to Dunbar. To the improbability that Bothwell would permit her to stop at Edinburgh, and transact business there, Goodall, forgetting his own argument, that the seizure was compulsive, replies that it would be necessary on such a long journey to stop for refreshment, when the queen would have sufficient time to sign such deeds. Goodall's MSS. Above twenty signatures are dated at Dunbar from the 25th of April to the 4th of May; but two are dated at Edinburgh, April 27th, and a third, April 30, when she was certainly at Dunbar; one at Edinburgh, and one at Dunbar on the 4th of May, and one at Hailes on the 5th, when we know that the queen was in Edinburgh Castle. Goodall, who collates and comments on these dates in his MSS. had too much bigotry to discern their import.



Sunday morning, and the third to Sunday evening ; and as the queen returned to Callender on Monday, he concludes that it was absolutely impossible, for the four letters to be written from Glasgow within the period prescribed<sup>109</sup>. But as Murray had no means, till Paris was apprehended, to ascertain the precise date of the letters, so the expression in the Diary, “ and in this “ tyme wrayt her byble and utheris letters to “ Bothwell,” means no more than such other letters as were written at Glasgow. There is no necessity for the supposition, that the four letters were all from Glasgow ; and we have proved already, from internal evidence, that the first was begun and finished upon Friday, January 24th, that the second was written upon Saturday morning ; and that the third and fourth belong to the two nights on which the queen slept at the Kirk of Field.

Another chronological objection to the letters, removed, is the contradiction between Murray’s Diary and the second Confession, or Examination of Paris. Bothwell, according to the Diary, “ took journey “ towards Liddesdale,” on Friday night, and “ returned towards Edinburgh,” on Wednesday 28th ; but, according to the Confession, Paris, on his arrival with the long letter from Glasgow, found Bothwell still at Edinburgh, and was dis-

<sup>109</sup> Whitaker, ii. 242—95.



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patched next day, after dinner, with letters to the queen. On the authority of the Diary, Tytler and Whitaker justly conclude that Mary never would have dispatched four letters to Bothwell at Edinburgh, when he was absent in Liddesdale<sup>110</sup>; but the real object of this supposed journey is not the least important discovery which we have made. In a journal of Mary's transactions it was necessary to account for Bothwell's conduct, and for his absence from Edinburgh, during their separation. But the Diary ascribed to Murray, from which Buchanan's Detection has apparently been framed, was not produced at the conferences, but was probably communicated to Cecil as an unauthenticated paper, like the bond of the nobility, by Buchanan's clerk. The real, and the only journey made by Bothwell, was to Whittingham in East Lothian, not to Liddesdale on the confines of England. The pretext which he probably employed at the time, to conceal his secret journey to Whittingham, was adopted in the journal, to conceal his interview with Morton, at which Lethington was present; and it is observable that he afterwards used the same pretext, of an expedition to Liddesdale, when he left Edinburgh to intercept the queen on her return from Stirling. From a strange entry con-

<sup>110</sup> Whitaker, ii. 316. Tytler, i. 280.



cerning the Secretary's marriage, ("Januarii 6. "The Secretarye was maryit in Striueling;") the journal appears to have been framed, or at least revised by Lethington himself; and was undoubtedly "the instructions given," or "the matter ministered" to Buchanan by the privy council of Scotland, as it contains the facts and dates and precise outlines of the *Detection*<sup>111</sup>. Bothwell's departure was therefore necessarily antedated in the journal, and his absence was prolonged from Friday till Wednesday, in order to allow sufficient time for an expedition to Liddesdale, which Buchanan has silently rejected in his *Detection*, as a false pretext.

<sup>111</sup> The Diary evidently contains the outlines of Buchanan's *Detection*, which was written "according to the instructions to him given, by common conference of the lords of the privy council of Scotland; by him, only for his learning penned; but by them the matter ministered, the book overseen and allowed, and exhibited by them." Anderson, ii. 263. The Diary, therefore, was the matter ministered, with such explanations as he received in his conferences with the lords. But it is observable, that Murray was not in Edinburgh at the time, and had no access to know of Lethington's and Bothwell's interview with Morton, to whom the passage in the Diary must be ascribed. Buchanan, in his *History*, had received no information of that secret interview, but even in his *Detection*, he rejected the journey to Liddesdale, as a pretext of which no sufficient explanation was given. And I conceive that the Diary was delivered to Cecil, like the bond of the nobility, by Reid, Buchanan's clerk, as a voucher for the *Detection*.



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Paris, therefore, the queen's chamberlain, receiving her dispatches at midnight, and departing early on Saturday morning, found Bothwell in Edinburgh on his arrival in the afternoon; and returning upon Sunday, after dinner, or before mid-day, he would rejoin his mistress that night at Glasgow. Beton, leaving Glasgow upon Saturday, would find Bothwell still at Edinburgh, where, according to his message by Paris, he had spent the whole (of Saturday) night, in visiting and preparing the king's lodging. Of course he departed upon Sunday evening for Hailes or Seton, on the road to Dunbar. These facts are antedated in the Diary, "and  
" Bothwell this 24th day (Friday) was found  
" werray tymus weseing the king's ludging, and  
" the same nyght tuk journey towards Liddes-  
" dale," to conceal his real journey to Whittingham, in the vicinity of Dunbar; and this precise anticipation was necessary, because an interval of two days was insufficient for his supposed expedition to Hermitage Castle and his return to Edinburgh. His interview, therefore, with Morton took place upon Monday, his departure from Edinburgh was on Sunday evening, the day he visited the lodgings betimes: his return was on Tuesday, which the Diary is careful to note; "the same day the Earl of Bothwell re-  
" turned from Liddesdale towards Edinburgh." His journey to secure Morton's support, had



been previously concerted with the queen herself, who, in her first letter, is uncertain whether he would be in Edinburgh at the receipt of it; and in the second, requests him to “send her *good news of his voyage*,” on which the two subsequent letters are silent, as posterior in date. An expedition to Liddesdale had no visible object, nor any probable interest; but his success with Morton was important to the queen: and in this short explanation, we discover a regular train of events, that refutes every chronological objection to the letters, and confirms their authenticity by the strongest attestation; namely, their exact coincidence with those secret transactions which her opponents themselves were so desirous to conceal.

11. The second series of letters was preparatory to the seizure of her person by Bothwell. Fifth letter. The sixth letter in the English edition, but the fifth in the order of time, was written upon Monday April 21st, when she went to Stirling, and was followed by Huntley, who endeavoured, as she apprehended, to dissuade her from the enterprise which he was charged to arrange. She writes therefore in the utmost agitation, “Monsieur *helas ! pourquoy est vostre fiance mise en personne si indigne, pour soupçonner ce qui est entierement vostre. J’enrage, vous m’avez promis.*” “Alas, my lord, why is your trust put in a person so unworthy, to mistrust that



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“ which is wholly yours? I am woodde. You  
 “ had promisit me ;” and the translation proceeds,  
 “ that you would resolve all, and that you would  
 “ send me word every day quhat I should doe.”  
 In this initial sentence, the difference of arrangement demonstrates that *Monsieur, hélas!* is not derived from, but is translated into, “ Alas, my  
 “ lord,” to avoid the quaint idiom, My lord, alas.  
 In the preceding letter the same idiom, *mon cœur hélas*, was necessarily rendered, “ my heart,  
 “ alas,” as less expressive in Scotch of her own heart ; and the same phrase, so natural in French, and familiar to Mary, occurs in a subsequent letter to Elizabeth, inverted according to the structure of the sentence : “ Mais, hélas Madam!  
 “ ou ouistes vous jamais un prince blasme pour  
 “ écouter en personne,” &c.

And in the sonnet lately discovered, the first line begins with the same idiomatic exclamation,

Que suis je hélas ! et de quoy sert ma vie.

The context *pourquoy, est vostre fiance mise en personne*, is literally translated, “ why is your  
 “ trust put in a person” instead of, in one ; *si indigne, pour soupçonner ce*, “ so unworthy, (so  
 “ as) to mistrust that,” in which the peculiar import of *pour*, to the effect of, in order to, expressed of old by the vulgar infinitive, *for to*, is lost in the translation ; and, *ce qui est entiere-*



*ment vostre*, is rendered verbatim “that which  
“is wholly yours.” *J’enrage, vous m’aviez*  
*promis*, “I am woodde, you had promisit me:”  
a French idiom, which occurs in the first letter,  
“he enrages when he hears of Lethington.”  
She was enraged at the confidence so unwor-  
thily placed in Huntley, as implying a distrust  
of herself; and her suspicions of Lady Bothwell’s  
brother were confirmed, as “he preachit unto  
“her that it was a foolishe enterprise, and that  
“with her honour she could never marry Both-  
“well, seeing that being marryed he did carry  
“her away, and that his own folkis would not  
“suffer it, and that the lordis would unsay them-  
“selfis, and would deny that thay had sayd.”  
Huntley, who had just been relieved from for-  
feiture, was careful not to incur another attainder,  
and was desirous to be taken prisoner along with  
the queen. But the queen, expecting perhaps an  
immediate seizure, was vexed at Bothwell’s neg-  
ligence, in leaving the manner, time, and place  
to be concerted with his *false good brother*, and  
impatient at the new ceremonies which the  
latter required. She sent a messenger of her  
own to Bothwell, as she durst not entrust his  
brother with the dispatch of her letters, and  
nothing can be more natural than Huntley’s dif-  
ficulties, or the queen’s distrust, vexation, grief,  
or sickness; which last is represented as the  
anticipation of a sudden pain with which she was



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seized on her return from Stirling; as if it were impossible for the queen to be sick till then<sup>112</sup>. The fact itself, "that the lords would unsay "themselves," was obvious to Huntley, who had witnessed how their consent to the bond had been obtained upon Saturday: but the last circumstance which the supposed forgers would have introduced into the letters, was an allusion to the bond which they were so careful to conceal.

Sixth letter.

12. The sixth letter, apparently intended for Huntley's inspection, was written upon more mature deliberation on the following day. "Du lieu et de l'heure ie m'en rapporte à vostre frere et à vous, ie le suivray et ne fauldray en rien de ma part. Il trouve beaucoup de difficultez." "Of the place and the time I remitte myself to your brother and to you. I will folow him, and will fayle in na thing of my pairt: he findeth many difficulties." In this initial sentence, *du lieu et de l'heure*, an inversion strictly conformable to the French idiom, is translated word for word, "of" (instead of, concerning, with respect to) "the place and the time;" *Je m'en rapporte a vostre frere et à vous*, is rendered almost verbatim, I remit myself (*of* the place and the time!) to your brother and to you, to which the French would

<sup>112</sup> Whitaker, ii. 383.



have adhered, in adopting *je m'en remets*, as of the same import, had it been derived from the Scotch. *Je le suivray*, for *accompagner*, *aller avec*, "I will follow him," *et ne fauldray en rien de ma parte*, "and will fayle in nathing of (instead of, on, or for) my part," are French idioms literally translated. *Il trouve beaucoup de difficultes*, "he *findeth* money difficulties." The translation proceeds, "I think he doth advertise you thereof; and quhat he desireth for the handling of himself:" a common English expression at the time, apparently superinduced at Westminster, as in a former letter, instead of some French idiom which was unintelligible in the translation. But it is again observable, that the initial sentence no sooner terminates than the French translator mistakes the phrase, which he renders by guess, *pour bien jouer son personage*. The queen proceeds to the handling of herself, according to the new ceremonies that occasioned so much vexation on the preceding night. "Me thinketh that your services, and the long amitie, having the gude wyll of the lordes, do well deserve a pardon, if above the duetie of a subject, you advance yourself, not to constrain me, but to assure yourself of such place nigh unto me, that uther admonitions or forraine persuasions may not let me from consenting to that that you hope your serviceshall make you one day to attayne." The



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most plausible reasons are thus suggested for his obtaining a pardon if he should advance to meet and intercept her upon the road ; and in her instructions to the Bishop of Dumblain to excuse her marriage to the French court, the identical apologies contained in the letter, are assigned to Bothwell. “ He askit pardon for his  
 “ bauldness to convey us to ane of our awin houses  
 “ quhairinto he was dreven by force, alsweill as  
 “ constrainit be lufe ; that from the conspiracies  
 “ of his enemies he could not find himself in sure-  
 “ tie, without he were assurit of our favour to  
 “ indure without alteration ; and uther assurance  
 “ thairoff could he not lippen in, without it wald  
 “ pleis us to do him that honour to take him to  
 “ husband<sup>113</sup> ;” or, in the words of the letter, “ And  
 “ to be short, to make yourself sure of the lordes  
 “ and free to marry ; and that you are constray-  
 “ nit for your surety, and to be abill to serve me  
 “ faithfully, to use an humble request, jointit to  
 “ an importune action. And to be short, excuse  
 “ yourself, and persuade them the most you can,  
 “ that you are constraynit to make poursute  
 “ agains your enemies : you shall say enough, if  
 “ the matter or ground do like you, and many  
 “ fayre words to Ledinton.” To excuse him-  
 self to the lords, and to give fair words to Lething-  
 ton, are represented as indisputable proofs, that

<sup>113</sup> Anderson, i. 96.



Lethington, in fabricating the letters, forgot the fact, that the lords had left Edinburgh on Sunday morning, and that he himself was then with the queen at Stirling<sup>114</sup>. But the fair words were to be given to Lethington, not before, but after the seizure, and the excuses were to be made, not to the lords who had left Edinburgh two days before, but to those who attended the queen at Stirling, in order to reconcile them to the deed. Lethington, like other courtiers, had concurred in the murder, in order to release the queen from an odious husband, not to exalt Bothwell to her throne and her bed; and these excuses she suggests as necessary to his former associates, for an enterprise to which he was instigated by her letters; “if you like not the deede, send me worde, and leave not the blame of all unto me.” She had left Edinburgh after the seizure was devised by Lesly, but the time and place depending upon circumstances, remained to be adjusted at Stirling; and from the new ceremonies, or difficulties which occurred, and which she endeavoured to obviate by the most plausible excuses, it is plain that she was still suspicious of his being averse to the deed.

13. The seventh begins, “Monsieur depuis ma  
 “lettre escrite, vostre beau frere qui fust, est  
 “venu à moi fort triste, et m’a demandé mon

Seventh  
letter.

<sup>114</sup> Whitaker, ii. 387---9.



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“conceil de ce qu’il feroit apres demain.” “My  
“Lord, since my letter written, your brother in  
“law that was, cam to me very sad, and hath  
“askeit me my counsale, quhat he should do  
“after to-morrow.” “His brother in law that  
“was,” previous to his divorce from Huntley’s  
sister, is produced as an additional demonstration  
of forgery <sup>115</sup>; but the queen naturally anticipates  
a collusive divorce, which was already concerted,  
if not actually commenced <sup>116</sup>. As she had just  
referred the time and place, *à vostre frere et à  
vous*, to Bothwell and his brother, whom she had  
formerly termed his false gude brother, *vostre beau  
frere qui fut*, “your gude brother that was,” im-  
plies a secondary, sarcastical sneer at Huntley’s  
late zeal, and sudden hesitation to connive at her  
seizure, on the eve of his sister’s divorce. But  
the first clause affords the most indisputable proof  
that the initial sentence is a part of the French  
original, written by the queen. “Since my  
“*letter written*,” a literal translation of *depuis ma  
lettre ecrite*, is a French phrase peculiar to Mary,  
and occurs not only in the sonnets, but in a post-  
script which she had apparently dictated to a  
letter written with her own hand. “Efter this  
“*our letter written* we are concernit to give you

<sup>115</sup> Whitaker, ii. 418.

<sup>116</sup> By a blank summons, in all probability already *raised*  
or instituted.



“ warning <sup>117</sup>.” It occurs again in a postscript to her first letter to Elizabeth, on her arrival at Carlyle, “ J’ay, *depuis ma lettre escrit*, resceu “ advertisement pour certain <sup>118</sup>.” A third example still more apposite, affords a full explanation of the present letter. Having written to Elizabeth on the 29th of July 1568, she begins another letter without date, but evidently by the same conveyance, in the very words in question, “ Madam, “ *depuis ma lettre escrite*, j’ay telle preuve de la “ doute en quoi j’estays de la partialle faveur de “ vos ministres vers mes ennemis <sup>119</sup>.” Three examples of a colloquial French phrase, to be found in Mary’s letters alone, are sufficient to authenticate the fourth, as her’s, together with the letter in which it appears. She had written to Bothwell on Huntley’s arrival upon Monday night, and again on Tuesday April 22, referring the time and place *à votre frere et à vous*. When the last letter was written, but before it was dispatched, Huntley returned with some new difficulties, which required another confidential letter, and she writes by the same bearer, *depuis ma lettre escrite*, *vostre beau frere qui fust*, came very sad to demand her counsel what he should do, *apres demain*, on Thursday, the day of the seizure ; a circumstance which ascertains the date of the two letters on Tuesday. His perplexity arose from the “ many

<sup>117</sup> Keith, 299.<sup>118</sup> Anderson, iv. Part I. p. 50.<sup>119</sup> Haynes, 469.



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“ folkes here, and among otheris, the Erle of Southerland, quho wald rather dye, considering the gude they haif sa lately receivit of her, than suffer her to be carryit away, they conducting her ;” and he was apprehensive on the one hand, lest some trouble or conflict should happen, or on the other hand, that he might be called ungrateful in having betrayed the queen. These doubts, she said, should have been resolved beforehand ; and she advised him “ to avoid those persons that were most mistrusted,” and entreated Bothwell to bring the greater force, as yesterday they had more than three hundred horse of his (Huntley’s), and of Livingston’s. Sutherland, one of the Gordons whose attainder had been just reversed, and Livingston, who resided at Callender, were the noblemen most likely to have escorted the queen on Monday to Stirling, with their whole retinue, on their return from parliament. But the objection is ridiculous, that these noblemen, whom she advised Huntley to avoid if possible, were not then at Stirling, because they were not with her on Thursday, at Cramond bridge, when she was seized on her return to Edinburgh with a slender train<sup>120</sup>.

Eighth  
letter.

14. On her return to Linlithgow, upon Wednesday April 24, the last letter was written to Bothwell, who had arrived at Hatton that same

<sup>120</sup> Whitaker, ii. 422—8.



night. The letter is the third in the English edition, and in Murray's Diary it was erroneously supposed to have been written previous to the murder, on her former arrival at Linlithgow with the king from Glasgow. But it appears from the examination of Paris, that Bothwell had sent a secret message by Ormiston, to which the queen returned an answer by Paris, who accompanied Ormiston to Hatton, that he might bring back to her Bothwell's reply. The letter itself, in which we discover a tone of tender solicitude and affected complaint, was evidently written on the eve of her seizure, the necessary preliminary to her intended marriage. "Monsieur si l' ennuy de vostre absence, celuy de vostre oubly, la crainte du danger, tant prouve d'un chacun a vostre tant aymee personne." "My Lord, if the displeasure of your absence, of your forgetfulness, the fear of danger so promisit by every one to your so lovit person, may gif me consolation, I leif it to you to judge." As this letter was not inserted in the French Detection, the initial sentence alone is extant in French. Had it been derived from the Scotch, it would have adhered to the precise words of its supposed original, and instead of, *l'ennuy de vostre absence, celuy de vostre oubly*, would have given us, *si le deplaisir de votre absence, de votre oublie*, in conformity with, "the displeasure of your absence, of your forgetful-



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“ness,” in the Scotch. In translating, however, from the French, the reverse would take place, because there was no word in Scotch equivalent to *ennui*. The translator, therefore, adopted *displeasure*, from the first sentence of the fourth letter, in its French acceptation of vexation, chagrin, and adhering to the construction, *de votre absence*, “the displeasure of your absence,” omitted *celui, that* “of your forgetfulness,” which it was difficult to retain, and at the same time, to preserve the sense. For the same reason, *la crainte du danger tant prouve d’un chacun*, was rendered by a word adopted from the context, “so promised by every one,” as the fear of danger so proved of every one, was unintelligible in the translation. *La crainte du danger*, “the fear of danger,” *tant prouve a votre tant aimee personne*, “so promised to your so lov’d person,” are French idioms almost literally transcribed; and the superior elegance and propriety of the whole sentence, “Monsieur si l’ennuy de vostre absence, celui de vostre oubly, la crainte du danger tant prouve d’un chacun a vostre tant aymee personne,” demonstrate sufficiently which is the original. In a strain of tender affectation she complains of his absence and the danger to which he was exposed; of his forgetfulness, in neglecting to write till then; of his promise broken, to meet, or perhaps, to intercept her that night; of the coldness of his writing, not corres-



ponding with the warmth of her affection ; and to testify how lowly she submits to his “ commands,” she sends by Paris, in sign of homage, a lock of hair, the ornament of the head, inclosed in a ring, the emblem of her heart, “ in place quhairof, since she had ellis left it unto him,” the ring was sent. The same conceit is employed in her letter to Elizabeth already quoted ; “ *Je vous envoyes mon cœur en bague,* “ *et ie vous ay apporte le vray, et corps en-semble ;*” and in return for a marriage contract, or ring from Bothwell, it is evident that Mary, then in mourning, had sent a mourning ring, or “ ane sepulture of hard stone, coulourit with black, sawen with tears and bones,” which she endeavours to accommodate to the occasion by the most quaint conceits. “ The stone I compare to my hart, that as it is carvet in ane sure *sepulture* or harbor of your commandments, and above all, of your name and memorie, that are thairin inclosit, *as is my hear in this ring,* never to come forth, quhilk death graunt unto you to ane trophee of victorie of my bones as the ring is fullit.” She continues to descant on those strange conceits, which are necessarily obscure when translated into Scotch, and in that language were utterly unintelligible to the French translator. Their extreme absurdity is no objection to the letter ; for nothing can be more absurd than the device of a stalk of liquorice,



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which she assumed on the death of her first husband, Francis II. or the motto embroidered on her cloth of state, or the hand and sword cutting vines on the cushion sent to the Duke of Norfolk; from which it appears that Mary was strongly addicted to all the mystical devices and conceits of the age<sup>121</sup>.

Objections  
to the last  
letter re-  
futed.

The other objections are, that the ring, according to Paris's examination, was sent from Callender on her return from her former journey to Glasgow; and that the marriage (contract) which she had received, and which she promised to retain in

<sup>121</sup> “Après la mort du roy son mary (Francois) elle prit l'arbrisseau de reglisier, duquel la racine est douce et tout la reste hors de terre amere, avec ces mots, *dulce meum terra tegit*, la terre cache ma douceur; par cette belle device, fort propre a une vraye veuve, la bonne reyne d'Ecosse monstroît que toutes ses joyes, tous ses plaisirs, et ses delices estoient enfermes dans le tombeau du roy son premier epoux.” Les eloges es les Vies des Reynes, &c. avec explication de leur devices, &c. par F. Hilarion de Coste, ii. 527. edit. Paris, 1647. “In looking upon her cloth of state, I noted this sentence embroidered, *En ma fin est mon commencement*, which is a riddle I understand not.” Haynes, 511. “One Borthwick brought the pillow (a token to Norfolk) which was wrought with the Queen of Scots' own hand, with the arms of Scotland, and a hand with a sword in it, cutting vines, with this sentence, *virescit vulnere virtus*; declaring thereby her courage, and willing the duke by such a watch sentence to take a good heart unto him.” Murdin, 57. On any one of these devices, how she would have descanted in a letter may be easily conceived.



her bosom till the marriage of their bodies should be made in public, was afterwards found in the possession of Bothwell<sup>122</sup>. The marriage contract will be examined in the sequel. At the distance of sixteen months, Paris might forget the time when the ring was sent, or might confound it with another; but the supposed forgers of an Examination intended to coincide with a ring and letter sent by Paris, never would have stated that they were sent by a different messenger, and on a former expedition. The plain fact appears to be this: Having heard in general of a message from Bothwell, by Hob Ormiston to the queen at Linlithgow, her opponents assigned it, in Murray's Diary, to her former journey from Glasgow, previous to the murder, and imagined that the last letter, containing certain tokens, was written at the same period, because it evidently came from the same place. "Januarie 28. The  
 " queen brought the king to Lynlythquow, and  
 " thair remaynit all morn quhile she gat word  
 " of my Lord Bothwell his returning towards  
 " Edynbrough be Hob Ormistoun ane of the  
 " murtheraris; and on the 29th, she remayned all  
 " day in Lynlythquow with the king, and wraytt  
 " from thence to Bothwell." When examined concerning the ring and letter, on the journey from Glasgow, Paris would have no recollection

<sup>122</sup> Whitaker, ii. 444—8.



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either of a message or letter at Linlithgow; but remembered a man from Bothwell who brought him a letter at Callender, to be given to the queen, and an answer, in which she inclosed a ring, to be delivered to the man. This messenger was not Ormiston, whom he knew, and had already named in his first declaration: and at the distance of eighteen months, the interrogatories concerning the ring and letter on the road from Glasgow, would lead him to mistake, or to anticipate an incident that had happened on the road from Stirling. When he was afterwards interrogated concerning the journey from Stirling, his evidence is explicit; that the night before the seizure *Monsieur d'Ormiston* came and spoke to the queen very secretly, at Linlithgow, on which she wrote and sent a letter by Paris, whom Ormiston conducted to Bothwell at Hatton. *Monsieur d'Ormiston* seems to be Hob Ormiston, as the other is termed *le Lard d'Ormiston* in the first declaration<sup>123</sup>, and we may be assured that the ring and letter sent from Linlithgow, on the

<sup>123</sup> “*Le Lard d'Ormiston et son frere Hob.*” Hob, according to the language of the age, was the Laird of Ormiston's *fader bruther*. Paris, who could make nothing of that expression, called him *son frere*; but had the declaration been forged, he would have been called *son oncle*. The reader unacquainted with a *Scotch proof*, must beware of the mistake, that no interrogatories were put, where none are specified in the examination.



journey from Stirling, were transferred by Paris to the journey from Glasgow, in consequence of such questions as made him confound the fact with a former event. CHAP.  
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15. The chronological objections to the second series of letters are also removed. The first letter was written at Stirling upon Monday evening, April 21st; the second and third upon Tuesday morning; the fourth at Linlithgow, on Wednesday night; and the objection, that Huntley, who followed the queen to Stirling, had not time sufficient to return to Edinburgh with the first letter, on Monday night, and to rejoin her on Tuesday before the third was written, has no foundation in point of fact<sup>124</sup>. The first letter implies the very reverse of his return to Edinburgh, as he pretended, on his arrival at Stirling, that Bothwell had “willit him to *write* to you that I “should say, and quhan you should cum to me, “and that that you should do touchand him:” or, in other words, that he should arrange the manner, time, and place of the seizure by letters. But the first letter was dispatched by a messenger of her own; “I send this bearer unto you, “for I dare not trust your brother with these “letters, nor with the diligence.” The second was written for Huntley’s inspection, and dispatched by his messenger; as he advertised Both-

Chronological objections removed.

<sup>124</sup> Whitaker, ii. 342—77. 421.



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well, by her advice, of the difficulties that he found. The third, on Huntley's return to her presence with some new difficulties, is a more confidential letter by the same bearer; but his return to Edinburgh on Monday night, is a fiction for which the letters afford no foundation.

General  
observa-  
tions on the  
letters.

16. When the letters themselves are impartially examined, no doubts of their authenticity can remain. It is in vain to contend that the French and British languages were originally the same; or, that they were still the same in the time of our Saxon ancestors, (because Augustine, in his legation to Britain, obtained interpreters from among the Franks;) and that many idioms in both languages must continue the same<sup>125</sup>. The

<sup>125</sup> See Whitaker, ii. 399, who struggles hard to obviate the French idioms produced by Hume. In limiting the idioms quoted by Hume to the similarity of a single word, he overlooked a plain proposition, that the idioms of a language, may reside either in the peculiar use and acceptation, or in the peculiar collocation, arrangement, or construction, of a word, or of a phrase. To *make fault*, *make breck*, *make gude watch*, *make me advertisement*, *make it seem that I believe*, are evidently translated from the French phrases, *faire des faults*, *faire breche*, *faire bonne garde*, *faire m'avertir*, *faire semblant de la croire*; in which the construction of the phrase, and the use or acceptation of *faire* are peculiar to the tongue. *Have you not desire to laugh*, *the place will hold untill the death*, are derived also from French constructions; “*n'avez vous pas envie de rire*”; “*la place tiendra jusque à la mort*,” in the first of which, the article is omitted, in the



Complaint of Scotland, and Bellenden's translation of Hector Boethius, the first prose compositions in Scotch, contain occasionally some French words; but the idioms of the language are genuine Saxon, and in Pitscottie, Knox, Buchanan, the History of James the sixth, and the state papers and letters of the period, no gallicisms were afterwards introduced into style. Every impartial reader who examines the letters, and compares them with other contemporary productions, will determine without a comment, whether they are not replete throughout with those French phrases, words, and idioms which are unavoidable, and can only occur, in a literal

other inserted, in strict conformity with the French, and in direct opposition to the Scottish idiom. *He may not come forth of the house this long time; put order to it, "il ne peut pas sortir du logis de long tems;" mettez ordre à cela;* in which Whitaker searches in the word, for that idiom which consists in the construction and acceptation of the phrases. *Discharge your heart; this is my first journey; deschargez votre cœur, c'est ma premiere journee;* the first of which I have never found in any letters of the period, and a *journey* for a day's work is, in Scotch or English, applied only to the work done by horses or oxen. Such writers forget the question; that it is not whether a few French words, as *moyen, faschious*, have crept into Scotch; but whether a professed translation, word for word, from the original French, contains a literal transcript of such French idioms, as a *journey* for a day's work, and a *voyage* for a journey. Whitaker, ii. 398. 400. Tytler, i. 226. n.



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translation from the French. Every impartial reader of taste and judgment will also determine whether they are not the genuine productions of a female, and that female indisputably the queen. Amidst the numerous and daily productions of romance, no great discernment, or literary acumen, would be necessary to pronounce upon each novel that is published, whether the author were a male, or some female letter-writer, whom the most accomplished scholar would in vain attempt to imitate in her incessant volubility and easy chit-chat; in the habitual amplification of the most trivial objects; and in the quick and incoherent transitions of female sentiment, passions, prejudices, intrigues, and pursuits. Nothing can be more natural or characteristical than the flip-pant loquacity of the letters to Bothwell; the exuberance of sentiment, and affected gallantry; the sudden vicissitudes of love, grief, indignation, fear, dissimulation, jealousy, and hatred of Darnley, intermixed with compunction at his approaching fate. The first letter in particular, affords a curious spectacle of the secret workings of the female heart. Nothing is explained of which Bothwell was informed; nothing omitted, of which he required information; and the murder is darkly, yet indisputably intimated, as a deed to which Mary was impelled by her lover, but on which she could not venture to discourse, even



with herself. But the letters subsequent to the murder contain no mention of her late husband, to whom indeed the most remote allusion would be carefully avoided, as a subject of conscious and mutual guilt. As the letters were written in a cultivated and refined language, in which she excelled, the elegance as well as idioms of the original breaks forth occasionally through the rude medium of a homely translation; and every impartial reader, who compares them with her subsequent letters to Elizabeth and others, will determine, from the same loose and voluble declamation, unrestrained invective, and passionate complaint, whether they are not the genuine, indisputable productions of the Scottish queen.

17. The very disappearance and loss of the originals, when conjoined with the preservation of the casket, which is still extant, affords a final proof that the letters were genuine. During the administration of the four Regents, they were diligently preserved. From Murray, they passed successively to Lennox, and to Morton; and on his execution, they were secretly conveyed, through different hands, to the Earl of Gowrie, one of the confederate lords, to whom Elizabeth, in November 1582, made repeated applications to obtain the custody of the box and letters. It appears from Bowes, her ambassador's correspondence with Walsingham, that the Duke of Len-

Disappearance of the letters.



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Preserva-  
tion of the  
casket.

nox, the young king's favourite, had also earnestly sought to obtain them; and that Mary, to whom he was entirely devoted, was anxious to get them delivered up or defaced. But it appears that the letters were carefully retained by Gowrie, for the vindication of the confederates; and that he resisted every application from Elizabeth, to deliver them up, without the privity of those who had an interest in them, and without the consent of the young king, who was then informed of their being in his hands<sup>126</sup>. In April, 1584, he was unexpectedly seized at Dundee, and was committed to the custody of Captain James Stewart, the temporary Earl of Arran, who sought impatiently for his life and estate. His trial and execution took place at Stirling, on the 4th of May; and from that period the letters have disappeared. But the casket was purchased from a Papist, by the Marchioness of Douglas, (a daughter of the Huntley family) about the period of the restoration. After her death, her plate was sold to a goldsmith, from whom her daughter-in-law, Anne, Heiress and Duchess of Hamilton, repurchased the casket, which is still preserved in the Hamilton family. There can be no doubt of its identity, as it corresponds exactly with the description given in the memorandum prefixed to the letters,

<sup>126</sup> See Bowes's Letter on Robertson's Dissertation on the murder of King Henry. History of Scotland, 376.



in Buchanan's detection, and retains the secret marks of the letter F. (the initial letter of Francis II.) surmounted with *Fleurs de lis*, and the crown of France. There is no chance, however, of the letters being discovered in the archives of the Hamilton family, after the frequent researches that have been made, and the accurate inventory that has been taken of its papers. And there is no reason to suppose, from the written narrative preserved with the casket<sup>127</sup>, that the letters were contained in it, when it was first purchased by the Marchioness of Douglas.

It is here observable, that the letters could not have been lost by accident merely, when the casket that contained them, was preserved by a Papist; since its historical importance, as a relic of Queen Mary, was evidently well understood. The English ambassador derived his information from the Prior of Pluscardine, the son of Mary's old adherent, Lord Seton, and afterwards Earl of Dumfermline, and Chancellor to James. When Lennox, therefore, applied to procure the letters, it was openly known, and the king himself was already informed, that they were in Gowrie's possession. At that early period, he became so zealous for the honour of his mother, that within three weeks after the execution of Gowrie, he procured the condemnation in fact of Buchanan's

Conclusion.

<sup>127</sup> See last article of Appendix, No. XX.



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History in the Scottish Parliament, and a severe act against words uttered to the dishonour of his parents and progenitors, either publicly, in sermons, &c. or privately, even in familiar conference. It is impossible, therefore, to suppose that the letters could have escaped the inquiries of James and his ministers, on the sudden seizure and execution of Gowrie; and we may be assured of this, that if the Queen's hand had been counterfeited in them, they would have been preserved and produced, as the only vindication which her honour required. But the final disappearance and loss of the letters on the execution of Gowrie, is explained by the careful preservation and discovery of the casket in the possession of Papists; and must be ascribed to the desire of suppressing those authentic documents of the Queen's guilt, which, unless they had been genuine, would neither have been retained by the four Regents, nor destroyed by James. From the same cause, the records of Justiciary, that contained the trials of the murderers, the acts or proceedings of the conferences at Westminster, and the books of the privy council of England, at that precise period, when the letters were examined<sup>128</sup>, have all disappeared; and the evidence of these proceedings is in fact reduced to

<sup>128</sup> See First Report of a Committee of the House of Commons on the State of the Public Records, p. 75.



such of the first loose draughts of the minutes as Cecil had retained, or Sir Robert Cotton afterwards collected. But the loss of such various records in both kingdoms, which never can be considered as entirely accidental, confirms our conclusion, that the letters so carefully preserved by Gowrie, were suppressed and destroyed by James, or his ministers, in order to remove those documents of his mother's guilt, which, if her hand-writing had indeed been forged, would have afforded the most incontestible and complete vindication that her innocence could receive.

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Martyr's  
Poetry



## CHAPTER V.

*The Sonnets.*

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Mary's  
poetry.

1. **F**ROM the letters we proceed to the sonnets, which were published entire in the original French, with a literal translation into Scottish prose. As the translation is destitute of numbers, and adheres to the original, line for line, it is now reluctantly admitted, that the sonnets were first written in French. But their authenticity is still disputed, on the authority of Brantome, who asserts, that they were too gross and unpolished to be the composition of Mary; and the forgery is ascribed to Buchanan, because there was no one in Scotland capable of writing French verse, except himself or the queen. The sonnets, therefore, were originally forged in French, by Buchanan, who was unable, however, to give a French version of the letters which he translated, as it seems, into Latin, for the supposed Camus to convert into French<sup>1</sup>. That the sonnets were

<sup>1</sup> Tytler, i. 254. Whitaker, i. 501—28. iii. 59—71. Buchanan observes, in his History, that the sonnets are not elegant. *Carmen Gallicum non ineleganter factum*; “a sure proof that he forged them himself.” Ibid. Stuart’s Hist. i. 396.



first written in French, might have taught those disputants to suspect that the letters were originally composed in the same language. But the grossness of the sonnets is a prevailing argument with those who either are ignorant of the grossness of the age, or are persuaded with Goodall, that Mary never once betrayed a single foible from the cradle to the grave<sup>2</sup>. That her verses were coarse and unpolished, may be deduced from the evidence of Brantome himself, who informs us, “ Elle se *mesloit* d’estre poete et “ composer des vers, dont j’en ay veu aucuns des “ beaux et tres bien faits, et nullement resem- “ blans a ceux qu’on lui a mis a sus avoir fait sur “ l’amour du comte de Bothveil ; ils sont trop “ grossiers et mal polis pour estre sortis d’elle. “ Mr. de Ronsard estoit bien de mon opinion en “ cela, ainsi que nous discourions un jour, et que “ nous lisions ensamble. Elle composoit bien de “ *plus beaux*, et de *plus gentils*, et *promptement*, “ *comme je* l’ay veue souvent, comme elle se re- “ tiroit a son cabinet, et *sortoit aussitot*, pour nous “ en montrer, a aucuns honneste gens que nous “ estions<sup>3</sup>. ” Brantome describes the futile poetry of Charles IX. nearly in the same terms of adulation : “ Il voulut scavoir la poesie et se *mes-*

<sup>2</sup> *Gutta pallia non fefellit una.* Goodall Pref. 28. Hailes’ Remarks on the History of Scotland, 181.

<sup>3</sup> Brantome, ix. 112. Jebb, ii. 478.



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“*loit d'en escrire, et forte gentiment—qu'il*  
 “*faisoit forte gentiment prestement et in promptu,*  
 “*sans songer, comme j'en ay veu plusieurs qu'il*  
 “*daignoit bien quelque fois monstrier, en sortant*  
 “*de son cabinet*” From such an extemporary

mode of composition, nothing better was to be expected than the conversation verses which Lord Hailes has so well explained; and we may be assured, that Mary's extemporary verses were little superior to the fashionable prose in rhyme of Charles IX. which Brantome has praised in the same terms, and which Ronsard was not ashamed to extol to heaven, and even to prefer to his own. The only poems of Mary's extant, are the verses preserved by Brantome, on the death of Francis II.; the sonnets to Bothwell in Buchanan's Detection; a sonnet to Elizabeth, in the Cotton Library, in French and Italian; and a French sonnet, in the State Paper Office, written during her confinement in England<sup>5</sup>. Of these, the first is a short poem, written with care, and in imitation of Ronsard, for the French court; the third and fourth were written with

<sup>4</sup> Brantome, iv. 31.

<sup>5</sup> See Appendix, No. XXII. Among her poems I do not include Sir Thomas Chaloner's Latin translation of some French verses sent with a ring to Elizabeth, (De Rep. Angl. Instaurar, 353.) nor Blackwood's Latin translation of a French poem, made during her imprisonment. Blackwood Poemata.



the same care for the court of Elizabeth; but the second is a long and hasty effusion on the absence of Bothwell, to whom alone it is addressed, and whose rude taste, such conversation verses as she retired to her cabinet, to produce *promptement*, like Charles IX. *sans songer*, were sufficient to please. Her taste was formed on the quaint and obscure conceits of Ronsard, whom she patronised<sup>6</sup>, not on the natural ease of Marot, and her verses on her first husband may vie with her *luse ballet*, or sonnets to Bothwell, for poverty of sentiment, and the most unintelligible bombast. The love ballad is a regular series of connected sonnets on the same subject, written apparently at the same time: and the four first lines,

O Dieux ayez de moy compassion,  
Et m'enseigniez quelle preuve certain,  
Je puis donner qui ne luy semble vain  
De mon amour et ferme affection;

differ only in the greater length, and of course in the greater mediocrity of the verse, from her first stanza upon Francis II.

\* Vie de Ronsard. "Mais sur tout elle aimoit la poesie, et sur tout M. de Bellay et M. de Maison-fleur." Brantome, ix. 112. The two last poets I have not met with, but I doubt not that some conceits in her letters and sonnets may be traced to their works, as to those of Ronsard.



En mon triste et doux chant,

D'un ton fort lamentable,

Je jette un œil tranchant,

De perte incomparable;

Et en soupirs cuisans

Passe mon meilleurs ans.

An address to the gods, to teach her what certain proofs of affection she might give to Bothwell, is certainly not inferior in sentiment to the sad and sweet song “d'un ton fort lamentable,” in which she throws, “un œil tranchant, de perte incomparable.” The succeeding verses of the sonnets,

Las ! n'est il pas ia en possession,

Du corps, du cœur qui ne refuse paine,

Ny deshonneur, en la vie incertaine,

Offense de parentz, ne pire affliction ?

may be compared with the second stanza of the elegy,

Fut il un tel malheur,

De dure destinee,

Ny si triste douleur,

De Dame fortunee,

Que mon cœur et mon œil,

Voit en biere et cercueil.

If “possession du corps du cœur, qui ne refuse  
“deshonneur,” be considered as too gross and in-



delicate for Mary, “tel malheur de dure destinee, CHAP.  
 “triste douleur de dame fortunee,” must be re- V.  
 jected as too absurd and insipid, for her heart and  
 eye to perceive on the bier and in the coffin.  
*Pire affliction*, in the sonnets, is certainly not  
 worse than a subsequent stanza in the elegy :

Car mon pis et mon mieux  
 Sont les plus desert lieux.

Nor is it possible to extract any meaning from  
 the following verses.

Si par fois vers les cieux,  
 Viens a dresser ma veue,  
 La doux trait de ses yeux,  
 Je voy en une nue;  
 Soudain le vois en l'eau,  
 Comme dans un tombeau.

We are told that every palace in France was  
 surrounded with water<sup>7</sup>, in which Mary, who saw  
 the sweet traits of her husband's eyes in the  
 clouds, might perceive him again (by reflection)  
*as if in his tomb* ; or, as altered in the transla-  
 tion ;

His visionary form I see,  
 Pictured in orient clouds to me,  
 Sudden it flies and he appears,  
*Drowned in a watery tomb of tears.*

<sup>7</sup> Lord Elibank's Letter on Lord Hailes' Remarks.



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And I know not which is most unintelligible.  
 ~~~~~ The concluding stanza is in the same tumid, insipid strain.

Mets chacon icy fin,
 A si triste complainte,
 Dont sera le refrain,
 Amour vray et non feint,
 Pour la separation
 N'aura diminution.

And her
 sonnet to
 Elizabeth.

And her sonnet to Elizabeth, in which her anxiety to see her sister at once delights and torments her, concludes with a comparison of a ship forced back from its port by a sudden storm.

Ainsi je suis en soucy et en crainte
 Non pas de vous, mais quante fois a tort
 Fortune romps voile et cordage double.

From these specimens of Mary's verses, the poetry which Brantome commends, as *plus beaux et plus gentil*, must be classed with our modern Della Crusca poetry, and with such courtly strains as Pope's Song by a Person of Quality was written to explode.

First
 sonnet.

2. But the sonnets contain internal evidence, that they were neither written, nor perhaps understood by her opponents at the time. In the first

* Tytler, ii. 419.

sonnet, she enumerates the proofs of her affection to Bothwell; that he was already in possession, *du corps du cœur*, (the supposed grossness of which disappears in the alliterative idiom) “qui ne re-
“ fuse paine,”

Offence de parentz, ne pire affliction :

Pour luy tous mes amis i' estime moins que rien,

Et de mes ennemis ie veux esperer bien.

J'ay hazardé pour luy et nom et conscience :

Je veux pour luy au monde renoncer ;

Je veux mourir pour luy avancer

Que reste il plus pour prouver ma constance ?

Her relations (*parents*) in France, whose displeasure she incurred, are distinguished from the friends whom she slighted in Scotland ; and her enemies from whom she was willing to hope the best, are the murderers of Rizio, to whom she had been reconciled by Bothwell. Had the sonnets, however, been forged, the mention of friends whom she slighted, would have contained a more pointed application to Murray ; and Morton, who seized the casket, and through whose hands the forgery must have passed, never would have been represented, with his associates, as enemies to whom she was lately reconciled, and on whose assistance she was disposed to rely. If the next verse, *j'ay hazardé pour lui et nom et conscience*, were applicable either to the adultery or to the murder, the same allusion which Mary would

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have avoided, the forgers would have been careful to render explicit. But the same idea recurs in the ninth sonnet :

Pour luy i'ay hazardé grandeur et conscience,
Pour luy tous mes parentz i'ay quité et amis ;
Et tous autres respects son apart mis :

and is well explained by Lord Hailes, as a feeling allusion to the offence given to her relations, *offense de parentz et pire affliction*, and to the danger of her own conscience, and of her estimation abroad, from her marriage with a protestant, without the consent or knowledge of the house of Lorrain⁹. That her conscience was endangered by a marriage with a protestant, was a circumstance of which the supposed forgers would have no conception. But it is explained in her Instructions to the Bishop of Dumblain, to excuse her marriage to the French court ; viz. that Bothwell, having obtained her promise, would not wait, *as was maist reasonable*, for the consent of her friends, but concluded the marriage in the protestant form, “ not weying
“ quhat was convenient for us that hes bene
“ norised in our awin religion, and never intends
“ to leif the samen for him or any man upon
“ earth¹⁰. ”

⁹ Hailes's Remarks, 207.

¹⁰ Hailes's Remarks, 208. Anderson, i. 99. To this the

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3. But the most disputed, if not the most difficult point to ascertain, is to what period of her connexion with Bothwell the sonnets must be assigned. On the supposition of their authenticity, her adversaries were necessarily ignorant of their precise date ; and in the note prefixed to the sonnets, it is supposed that they were written to Bothwell “ befoir hir mariage with him, and (as “ it is sayd) quhile hir husband lyvit, but certainly “ befoir his divorce from his wife.” Lord Hailes proves that they were written after the restitution of Huntley in parliament, April 19th ; but he has transferred them arbitrarily to the interval between her seizure and her marriage with Bothwell, in which Stuart concurs. And Whitaker concludes that they can refer only to the separation at Borthwick, when she remained behind, while Bothwell passed to Melrose before his flight to Dunbar¹¹. As the sonnets were confessedly written in Bothwell’s absence, it is necessary first to determine upon what occasions they were separated before their marriage. She was attended without intermission by Bothwell, from the birth of her son till her expedition to ———— But the recurrence of the same thought ———— usual answer is returned, that the author of the sonnets consulted the instructions ; (Stuart, i. 396.) but the allusion is unintelligible in the sonnets, and is discovered only in the subsequent instructions.

¹¹ Hailes’s Remarks, 203. Stuart’s Hist. i. 395. n. Whitaker, iii. 57. 143. Robertson of Dalmeny, Appendix, 35.

When the
sonnets
were writ-
ten.

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Jedburgh, and from her recovery after her visit to the Hermitage, till her journey to Glasgow; when the sonnets were certainly not composed. From the murder of her husband, they were never separated till her journey to Stirling, and the occasional coincidence of the sonnets with the letters is alone sufficient to ascertain their date. The second sonnet begins,

Second
sonnet.

Entre ses mains et en son plein pouvoir,
Je metz mon filz, mon honneur et ma vie,
Mon pais, mes subjects, mon ame assubjectie,
Est tout à luy, et n'ay autre voulloir
Pour mon object.

In “his handis and in his full power, I put my
“sonne, my honour, and my lyif,” alludes particularly to an historical fact preserved by Buchanan, to which, though unknown when he wrote his *Detection*, he had peculiar access when his *History* was composed; namely, that one object of the journey to Stirling, was to obtain possession of the young prince, and to transfer the custody of his person to Bothwell, which was prevented by the vigilant precaution of the Earl of Mar¹². But the recurrence of the same thought

¹² Buchanan's *Hist.* lib. xviii. p. 356. From his residence at Stirling, in the Mar family, after the *Detection* was written, he had access to this, and to many other circumstances inserted in his *History*, concerning the queen. In one sense

and expression was unavoidable in a letter written on the same subject, at the same time, when her mind was occupied and filled with the sonnets. *Mon pais, mes subjects, mon ame, assubjectie, est tout a luy*, is translated, “my contry, my subjects, “my soule al subdewit to him and has none uther “will, for my scope;” and in the last letter, “since I am ellis so far made yours, that that “quhilk pleasis you is acceptable to me, and my “thoughts are so willingly subduit unto yours,” is a repetition of the same sentiment, *mon ame, (mes pensees) assubjecties a vous*, and an obvious translation of the same phrase. From the proofs of her attachment, she passes by a natural transition to Bothwell’s wife, whose false tears and feigned affection, of which there was no symptom at the marriage, she contrasts with her own, in the third sonnet,

Elle pour son honneur vous doibt obeyssance
Moy vous obeyssant j’en puis recevoir blasme,
N’estant, à mon regret, comme elle vostre femme.

Third
sonnet.

The divorce of course was not then obtained, and as Lady Bothwell was naturally the object of her

her marriage alone put her son and subjects in Bothwell’s power; but the third sonnet, when written at Stirling, states with precision, a fact unknown at Westminster; “In his hands I place (*Je metz*) my son,” as she meant, and expected to do, before she left that town.

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V.

jealous apprehension, she compares the interested obedience of a wife, with her own disinterested, and submissive attachment, so injurious to herself.

4. In the fourth sonnet,

Fourth
sonnet.

Par vous, mon cœur! et par vostre alliance,
Elle a remis sa maison en honneur;
Elle a jouy par vous la grandeur,
Dont tous les siens n'ayent nul assurance:
De vous mon bien! elle a eu la constance (l'accointance)
Et n'a perdu sinon la jouyssance
D'un fascheux sot qu'elle aymoît chèrement.

On the murder of Rizio, Huntley, notwithstanding his father's attainder, had been appointed chancellor, by the interest of Bothwell, whose marriage with his sister was the first step towards his promotion. But the second line, "Elle a remis sa maison en honneur," refers directly to the reversal of the attainder, and the restitution of his family in parliament, on Saturday April 19th, to which the queen, in a sonnet written three days afterwards, naturally alludes. From the *fascheux sot qu'elle aymoît chèrement*, it appears that Lady Bothwell's marriage was a political, and perhaps a compulsive alliance, to restore her family; and in all probability the passage alludes to her kinsman Alexander Earl of Sutherland, whom she afterwards married. The fifth sonnet describes her cold returns to

Bothwell's affection, both before and after their marriage; when, CHAP.
V.
~~~~~

De vostre morte ie ne vis la peur,  
Que meritoit tel mary et seigneur.

The danger of his death, to which his wife was indifferent, can allude to nothing else than his wound in Liddesdale, the only occasion on which his life was endangered, and on which the queen's superior attachment was so signally displayed. The sixth sonnet describes Lady Bothwell's artifices, by letters filled with a fictitious passion, and *tout fardez de scavoir*<sup>13</sup> to retain her husband, whose worth she then only began to discover, and in the seventh sonnet, Mary returns to her own affection, to which she is afraid that the recent professions of her rival are preferred.

Sixth  
sonnet.

Vous la croyer las ! trop ie l'appercoy,  
Et vous doutez de ma ferme constance,  
O mon seul bien ! et mon seul esperance,  
Et ne vous puis assurer de ma foy.

Seventh  
sonnet.

<sup>13</sup> From a beautiful copy of the *Legenda Aurea* edit. 1470, in which her name is frequently inscribed, Lady Jean Gordon appears to have been a woman of some learning. She was married to Bothwell at twenty, and in 1573 was again married to Alexander Earl of Sutherland, whom she survived, and was afterwards married to Ogilvie of Boyne. She died in 1629, at the age of eighty-four, and was a woman of great prudence, retaining her jointure out of Bothwell's estate, till



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V.

*Mon seul bien*, as if to ascertain the date, is repeated in her last letter, “my *onley wealth!* resave “thairfore in as gude part;” and Lord Hailes’s remark is undoubtedly just, that Bothwell’s jealous suspicions of her constant, and sincere attachment, are unaccountable in a forger, who would have represented their connexion, in all its circumstances, as rank and flagitious in the extreme<sup>14</sup>. Such apprehensions were natural to Mary, who was conscious that Bothwell, *having two strings to his bow*, might well despise an attachment so lightly transferred from Darnley, or suspect that it might be transferred to another, with the same facility as from Darnley to himself. From the same apprehension, she is careful, in her letters to Norfolk, to assure him of her faithfulness; and that she would be true and obedient as long as she lived<sup>15</sup>. The remainder of the sonnet,

*Vous deffiant a trop grand tort de moy ;  
Vous ignorez l’amour que ie vous porte,  
Vous soupçonnez qu’autre amour me transporte,  
Vous estimez mes parolles de vent,  
Vous depeignez de cire mon las cœur,*

her death, and managing the Sutherland estate, during the minority of her son. Sir Robert Gordon, of Gordonstone’s Hist. of the Sutherland family.

<sup>14</sup> Hailes’s Remarks, 216.

<sup>15</sup> Hardwicke’s State Papers, i. 193.



Vous me pensez femme sans jugement,  
Et tout cela *augmente mon ardeur* ;

CHAP.

V.



coincides with her first letter from Stirling on Huntley's arrival. "Monsieur, hélas! pourquoy  
" est vostre *fiance* mise en personne si indigne,  
" pour *soupçonner* ce qui est entièrement vostre.  
" *J'enrage.*"

5. As these circumstances augment her passion, the eighth sonnet describes its increase.

Mon amour croist, et plus en plus croistra,  
Tant que ie vivray, et tiendray à grandheur,  
Tant seulement d'avoir part en ce cœur,  
Vers qui en fin mon amour paroistra  
Si tres à clair que jamais n'en doustra.

Eighth  
sonnet.

*D'avoir part en ce cœur*, means not that she was content to divide his affection with her rival<sup>16</sup>, but, as the context intimates, that she wanted only a share, or place, in that heart to convince him so clearly of her love, as to efface all his doubts; or in other words to obtain the whole in return. For him therefore she would struggle with misfortune; for him search for grandeur; for him expect good fortune;

Pour luy i' attendz toute bonne fortune.  
Pour luy ie veux garder sante et vie.

<sup>16</sup> Whitaker, iii. 75.



## CHAP.

## V.



Pour luy toute vertu de suyvre i'ay envie.

Et sans changer me trouvera tout une.

The same train of ideas occurs in her last letter, in which she enumerates, among the causes of her uneasiness, “the unhap that my cruel lot and continuall misadventure hes hitherto promisit me, following the misfortunes and feares as weill of lait as of a lang tyme by past;” and pursuing the same train of ideas, *pour lui j'attendz toute bonne fortune*, she anticipates in the sonnets that good fortune for the future which she had not hitherto enjoyed. “Quhilk is the finall order that you promisit to take for the suertie of the only uphald of my lyfe. For quhilk alone I will preserve the same;” *pour lui je veux garder sante et vie*: “and without the quhilk I desire not but suddain death.” “Though my merits wer mekle greater then of the maist profite, that ever was, and sic as I desire to be, and sall take payne in conditions to imitate, for to be bestowit worthily under your regiment:” *Pour luy toute vertu de suyvre j'ay envie*. “That for ever dedicates unto you hir hart hir bodie, without any change—of quhilk you may hold you assurit that unto the deith sall na wayes be eschangit.” *Et sans changer me trouvera tout une*.

Ninth  
sonnet.

6. The ninth sonnet proceeds in the same strain.



Pour luy aussi ie jette mainte larme,  
 Premier quand il se fist de ce corps possesseur  
 Duquel alors il n'avoit pas le cœur :  
 Puis me donna un autre dur alarme,  
 Quand il versa de son sang mainte dragme,  
 Dont de grief il me vint lesser douleur,  
 Qui m'en pensa oster la vie, et frayeur  
 De perdre las ! le seul rempar qui m'arme.

Each of these lines is supposed to be pregnant with some latent historical fact. From the translation of the three first verses ; “ For him also  
 “ I poured out many tears, First when he made  
 “ himself possessor of *this* body, Of the quhilk  
 “ then he had not the heart ;” the forgers are supposed to have inadvertently betrayed a fact never known before, that her passion for Bothwell commenced after the adulterous act, as he had not then her heart, and that the adultery (after her husband's death) was perpetrated by the commission of an actual rape upon her person, when conveyed to Dunbar. The next line, “ quhen he bled of his blude great quantitie,” discloses another scene from Clarissa ; and the queen was, it seems, so indignant, and her grief so outrageous at the violence, that Bothwell actually stabbed himself from commiseration or despair. The succeeding lines discover an additional fact, that Mary had almost died of grief during her confinement ; and these scenes of historical romance, the rape and the queen's in-



CHAP.  
V.

dignation and anguish, the wound inflicted by Bothwell on himself, the grief and sickness that endangered her life, and their mutual reconvallescence before their return to Edinburgh, of which historians are ignorant, were all realized during the nine days that they remained at Dunbar<sup>17</sup>.

Its real explanation.

Unfortunately for these new discoveries, the tears that she shed were for Bothwell himself, *pour lui aussi*: and it was his blood when wounded, that excited such grief and terror as to endanger her life. According to the preceding interpretation, the two first lines, on the supposition even of a rape, must be referred to the queen's lodging in the *Chekker-house*, September 24, 1566, when she was first betrayed, *at ipsa dicebat*, into Bothwell's arms; "nam per hortum  
" in cubiculum Reginae introductus eam invitam  
" vi compressit, sed quam invitam tempus veri-  
" tatis parens ostendit<sup>18</sup>. In the two succeeding

<sup>17</sup> Whitaker, iii. 78. 83. 105. Robertson of Dalmeny's Hist. of Mary. Appendix, 36. 48.

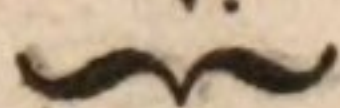
<sup>18</sup> Buchanan's Detection. Murray's Diary. Appendix, No. III. Lord Hailes's explanation, in which I formerly concurred, that *ce corps* means *that*, instead of, *this* body, and is applicable to Lady Bothwell, not to the queen, must be rejected as hardly consistent with "duquel *alors*," and "un *autre* dur alarm," in the context. Here it is observable, how fond Mary was, of playing upon the French words, *corps et cœur*, not only in her sonnets and letters to Bothwell, but in her subsequent letters to Elizabeth, and in the



lines she proceeds in the same train of incidents, to a subsequent event; “then he gave me another hard charge,” *un autre dure alarme*, and having already reproached Lady Bothwell, in the fifth sonnet, with indifference to his death, she now describes her own grief and consternation on the same occasion, *quand il versa de son sang mainte dragme*: not the visionary scenes of Clarissa, ravished by Lovelace, who falls upon his own sword in despair, but the historical fact, of Bothwell wounded by a ruffian in Liddesdale, “when he bled of his blude great quantitie,” and when Mary flew to the Hermitage with such anxiety to his relief. Accordingly in the three next lines, she describes, as the consequence of her grief and terror, *qui m’en pensa oster la vie*, her severe sickness at Jedburgh, which had almost deprived her of life: and in these historical facts, we discover a full and rational explanation of her verses, without resorting to any historical romance. The two first lines relate to tears shed for Bothwell before he was wounded; and if he obtained possession of Mary’s person, before he acquired her heart, such a constructive rape, as it preceded his wounds in Liddesdale, and her dangerous illness on that occasion, must be referred to their first criminal intercourse at

sonnet written during her captivity in England. Hailes’s Remarks, 211.



CHAP.  
V.

the Chequer-house, when Lady Reres betrayed her, as she said, into his arms.

The remainder of the sonnet continues the train of circumstances, from her sickness downwards to their proposed alliance.

Pour luy depuis i'ay mesprisé l'honneur,  
Ce qui nous peult seul pourvoir de bonheur;  
Pour luy i'ay hazardé grandeur et conscience;  
Pour luy tous mes parentz i'ay quité, et amis;  
Et tous autres respectz sont apart mis:  
Brief de vous seul ie cherche l'alliance.

These circumstances are all *depuis*, since her illness, when Bothwell was wounded, and to the astonishment of commentators, they are subsequent even to the pretended rape.

Tenth  
sonnet.

## 7. The tenth sonnet begins

De vous ie dis, *seul soustien de ma vie*?  
Tant seulement ie cherche l'alliance;  
Et si ose de moy tant presumer,  
De vous gagner maugré tout l'envie.

The first line is translated in Scotch, "Of you I  
" say, *only upholder of my life*;" and in the eighth letter the same phrase occurs, in a passage already quoted; and again, in the same letter, "with as greit affectioun as I pray God, O the  
" *only uphold of my lyfe*! (*seul soutien de ma vie*)  
" to gif you lang and blessit lyfe, and to me



“ your gude favour as the onlie gude that I  
 “ desire, and to the quhilk I pretend.” The sen-  
 timent is also the same in both ; to assure her-  
 self of him, in the sonnet, or to gain his good  
 favour in the letter, is her only desire, *tant seule-*  
*ment je cherche*, or the only good to which she  
 pretends.

Car c'est *le seul desir* de vostre cher amie,  
 De vous servir et loyaument aymer ;  
 Et tous malheurs moins que riens estimer,  
 Et vostre *volonté de la mien suivre*.

“ Since that quhilk *pleasis you* is acceptable to  
 “ me, and my thoughts are sa willingly *subduit*  
 “ *unto yours*, that all that commeth of you, pro-  
 “ cedis of sic causis as *I desire myself*.”

Sans aymer rien que vous, *soulz la subjection*  
 De qui ie veux, *sans nulle fiction*,  
 Vivre et mourir, et a ce i' obtempere.

“ The disdain that I cannot be in outward  
 “ effect yours, as I am without *feintness* in hart  
 “ and sprite, and of gude reason, for to be be-  
 “ stowit worthily *under your regiment*.” In these  
 passages the sonnet still occupied her mind, and  
 produced a repetition of the same sentiments and  
 phrases as in the letter.

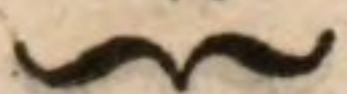
8. But the last sonnet may enable us to deter-  
 mine the date with precision.

Eleventh  
sonnet.



## CHAP.

## V.



Mon cœur, mon sang, mon ame, et mon soucy,  
 Las ! vous m'avez promis qu'aurons ce plasir  
 De deviser avecque vous à loysir,  
 Toute la nuict, ou ie languis icy,  
 Ayant la cœur d'extreme paour transy,  
 Pour voir absent le but de mon desir.

Precise  
 date of the  
 sonnets as-  
 certained.

In her last letter she accuses Bothwell *per apo-  
 phasin*; “nouthur will I accuse you of your litle  
 “remembrance, and least of all of your promise  
 “broken;” which was certainly different from  
 the promise mentioned in her letter on Monday,  
 that he would resolve all. But the promise broken  
 is explained in the sonnet, that *toute la nuict que ie  
 languis icy*, the whole night that she languished at  
 Linlithgow, he had promised to pass with her,  
*pour deviser à loysir*, in familiar conversation;  
 instead of which he had sent Ormiston with a  
 cold apology; “the coldness of his writing,” of  
 which she complained<sup>19</sup>.” From Monday night,

<sup>19</sup> From this and the subsequent explanation in the sonnets,  
 of the promise broken, compared with a fact preserved by  
 Buchanan in his History, it appears that Bothwell had pro-  
 mised to meet and intercept her on Wednesday; but that  
 she was seized with a sudden illness, which obliged her to  
 stop at a small hut on her return from Stirling, and on her  
 recovery she reached Linlithgow that night. “*Repentino  
 dolore cruciata in domunculam pauperulam concessit, ad  
 quatuor ferme millia passuum a Sterlino, remittente se  
 deinde dolore, ad iter reversa, Limnuchum ea nocte venit.  
 Inde ad Bothuelium scripsit, per Paridem, quid de raptu  
 fieri vellet:*” Hist. 356. I conclude therefore that Bothwell,



when her agitation subsided, or Tuesday morning, when her letters from Stirling were written, till Wednesday night, while her mind was unoccupied with other objects, there was sufficient time for the composition of such extemporary sonnets; the last of which seems to have been just finished, on receiving Bothwell's letter at Linlithgow.

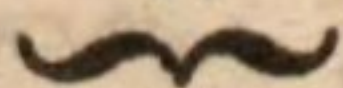
Toute la nuict ou ie languis icy,  
Ayant le cœur d'extreme paour transy;  
Pour *voir absent* le but de mon desir,  
*Crainte d'oublier* un coup me vient à saisir;  
Et l'autre fois ie crains que rendurcie  
Soit contre moy *vostre amiable cœur*,  
Par quelque dit d'un meschant rapporteur;  
Un autre fois *ie crains* quelque aventure,  
Qui par chemin detourne mon amant,

who had advanced from Edinburgh on Wednesday, finding that she did not come forward, turned aside to the Laird of Hatton's, and sent Ormiston forward with a message, to which the queen's answer was returned by Paris. As the time and place were not precisely fixed, her impatience would expect him each moment to meet her beyond Linlithgow, while his indifference would induce him to wait for her as near to Edinburgh as possible. But it is observable, that Buchanan in his History, corrects, or avoids the error in the Diary, that she sent Huntley to Bothwell next morning; as he discovered from subsequent information, that she wrote and sent a letter from Linlithgow, not on her former journey, but by Paris that night.



CHAP.

V.

Par un fascheux et *nouveau accident* ;

Dieu detourne toute malheureux accident.

In these verses the initial sentence of her last letter is easily recognised : “ Monsieur si l’ennuy  
 “ de *vostre absence*, celui de *vostre oubly*, la  
 “ *crainte du danger* tant prouve d’un chacun a  
 “ *vostre tant ayme* personne ;” in which the greater part of the sonnet is comprised. Before she receives his message, her heart is chilled with extreme terror at his absence, and alternately agitated by the fear of his forgetfulness, the apprehension that his amiable heart might be hardened against her by some malicious report, and the danger, lest some new accident, like the wound to which she had twice alluded, should occur on the road. On receiving his letter, her terror at his absence is converted into “ l’ennuy  
 “ de *vostre absence*, celui de *vostre oubly* ;” the *craint d’oublier*, and *vostre amiable cœur*, into “ la  
 “ *crainte du danger* a *vostre tant aymee* person-  
 “ ne ;” and her fear of some new accident on the road, into the indiscriminate danger *d’un chacun*, from the unknown authors of the challenge and placards. That her apprehensions were serious, there is no reason to believe. The language of poetry was transferred to the letter, which was written in the same strain of sentimental conceit. But the sonnets were reserved for their meeting, and the concluding stanza of

Conclusion  
 of the  
 sonnets.



six lines, was probably added after the letter was written.

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V.

Ne vous voyant selon qu'avez promis,  
J'ay mis la main au papier pour escrire  
D'un different que ie voulu transcrire :  
Je ne scay pas quel sera vostre avis ;  
Mais ie scay bien qui mieux aymer scaura ;  
Vous diriez bien que plus y gaignera.

Not seeing him according as he promised, she put her hand to the paper to write of a difference, which (to complete the rhyme rather than the sense) she was inclined to transcribe. These lines were apparently added on receiving his letter at Linlithgow, or afterwards, when the sonnets were presented to Bothwell, in order to explain the occasion on which they were composed. But the preceding investigation obviates every objection to their chronology or contents ; and the date assigned to the sonnets, in the interval between her letters from Stirling and Linlithgow, is confirmed by their coincidence with her last letter to Bothwell, on the eve of the seizure.



## CHAP. VI.

*Contracts of Marriage.*CHAP.  
VI.First con-  
tract.

1. **T**HE contracts of marriage are to be examined next<sup>1</sup>. The first is the short contract in French; a copy of which, found by Welwood in the Cotton Library, was mistaken for the original; but Dr. Fraser, and Matthew Crawford, pronounced it a transcript. David Crawford, the author of the spurious Memoirs, availed himself however of Welwood's mistake, to represent it as a gross forgery of Queen Mary's hand-writing<sup>2</sup>. His assertion has been implicitly

<sup>1</sup> See Appendix, No. XXIII.

<sup>2</sup> M. Crawford's MS. Col. Adv. Lib. W. 2. 22. "This paper is pasted on the back of the preceding," (the Reply and True Declaration, &c.) "Dr. Welwood told me, before I saw it, that it was an original; that before it was put into this book (Caligula, C. 1.) he found it single in a corner of Cotton-House, that he borrowed it from Sir John Cotton, (he who gave the library to the public) that he brought it and shewed it to the late Queen Mary, (William's wife) and that the whole court owned it to be an original. As for myself, I am persuaded, it is a forgery, and the grossest I ever saw; the subscription does not at all resemble that of the Queen of Scots. I have seen some hundreds of her letters, all written and signed with her own hand, but never found the *M* in



received and transmitted, by Ruddiman and Goodall, to Stuart and Whitaker<sup>3</sup>, without any farther examination of the pretended forgery, from the inspection of which I am entitled to pronounce, that it was never meant, when written, to pass for original. It begins like a transcript, at the top of the page, without the least appearance or form of an intended original: it is written in the common secretary hand of the age, which Crawford mistook for a chancery hand; and it appears from the ink, and form of the letters, to be very nearly, if not exactly, in the same hand-writing with other papers given in by the regent; particularly the *Eik*, and the declaration, that the letters were authentic<sup>4</sup>. The words *feu mary*, have been dashed out as indistinct or crowded, and are written anew in the

*Marie* longer than the *a*, or the *r* than the *i* or the *e*, all the letters of her name are constantly of a size. And as for the paper itself, nobody pretends it is done by her hand. It is what they call in England, chancery hand. However, having no date, it is of no value, and of small advantage to her enemies, because it is presumable (allowing the paper genuine, which it is not) that it was written the very night before the marriage." D. Crawford of Drumsoy's Col. MS. v. iii. Adv. Lib.

<sup>3</sup> Ruddiman's Notes on Buchanan, i. 462. Goodall, i. 126. Stuart's Hist. i. 397. Whitaker, i. 430.

<sup>4</sup> Cotton Lib. Caligula, C. 1. f. 230. 260. Anderson, ii. 259. iv. 119.



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course of the same line; and the whole contract is evidently in the writer's usual hand, without the least attempt at imitation or disguise. Mary's *Romain* hand, as it was then styled, was formed in imitation of Italic print, to which the secretary hand, (now employed in engrossing deeds) has not the least resemblance; but the short contract in French was professedly written in the queen's own hand, which it is not even pretended that the present copy endeavours to imitate. The contract itself therefore contains no marks whatsoever of imitation or of forgery; and the original produced at Westminster, was certainly neither dated nor signed by the queen<sup>5</sup>.

<sup>5</sup> Appendix, No. XXIII. In the letter from the English commissioners at York, it is described as "a contract of the *queen's own hand*, of the marriage to be had between her and Bothwell, bearing no date, and which had not *verba de presenti*, as the other had;" in the minutes of the English privy council, Dec. 14, as "a promise of marriage in the name of the said queen, with the said Earl of Bothwell;" (Anderson, iv. 61. 173.) in Murray's instructions to the commendator of Dumfermline, as "a little contract or obligation written by the said queen's awin hand, promising to marry the said Bothwell;" (Goodall, i. 87.) and in the memorandum prefixed to the letters, in Buchanan's Detection, as a "writ- yng written in Romaine hand in French, to be avowit to be writte by the sayd Queene of Scottes hir self, beying a promise of marriage to the sayd Bothwell." This part of the memorandum was probably taken from the minutes of the 7th of December, when the contract was produced, which



It was inserted in Buchanan's Detection, without either date or signature; to which last the charge of forgery must now be confined. But the signature annexed to the copy in the Cotton library, has apparently been superinduced at a later period, and in a different hand and ink from the rest of the transcript, but without any resemblance or imitation of the queen's signature. Her genuine signature was formed in the slender Italian hand, without capitals; and the letters, *marie*  $\bar{r}$  are of the same size. The signature in question is in a strong secretary hand, the very reverse of the Italian: the letters M and R are lengthened as much as the others are reduced in size; and on the supposition of a forgery, it must have been fabricated by one who had no prototype before him at the time, and had never seen even a single signature of the queen's name. Upon this subject, the *fac similes* contained in the annexed plate will enable every reader to determine, whether the signature subjoined to the contract, exhibits an obvious or intended imitation of Mary's hand-writing; or whether the contract is not a mere copy engrosed by a clerk, to which her name has been since added, without any intention to imitate her hand.

were lost when sent to the press, by Wilson; but in these passages, there is no intimation that it was subscribed by the queen, although the second contract is uniformly described, in the same passages, as signed by her hand.



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The fact is that the original went back to Scotland, while a copy, most probably the present, was left by Murray in Cecil's custody<sup>6</sup>. The contracts or obligations of marriage, are specified in Morton's subsequent receipt for the box and letters; and in addition to eight letters and eleven sonnets, the two contracts are precisely necessary to complete the number of twenty-one pieces which the casket<sup>7</sup> contained.

The memorandum prefixed to the letters in Buchanan's *Detection*, observes, on the first contract, "quhilk writying beying without date, "and though some words therein seme to the "contrary, yet is upon credible grounds supposed "to have been made and written by her befor "the death of her husband." The *words to the contrary are*, "et puisque dieu a pris mon feu "mary, Henry Stuart, dit Darnley, et par ce- "moyen je suis libre." The omission of the date, after "God had taken her late husband, *by* "which means she was free to marry," is itself a sufficient presumption that the contract was written in the contemplation of his death. In the letters and sonnets to Bothwell, subsequent to the murder, every allusion to her late husband is carefully avoided. But in a promise of marriage written with her own hand as an assurance to Bothwell during her husband's life, instead of taking

<sup>6</sup> Goodall, ii. 88.    <sup>7</sup> Id. 91. Anderson, ii. 259.



him directly for a husband, in the language of civilians, *per verba de presenti*, as in the second contract, she promises indirectly, “de bonne  
 “foy, de n’avoir j’amaïs aultre espoux et mary  
 “que luy, et de le prendre pour tel, toute et  
 “quante fois qu’il m’en requira.” Instead of engaging to celebrate the marriage on her husband’s death, the reverse is naturally introduced;  
 “et puisque dieu a pris mon feu mary Henry  
 “Stuart dit Darnley, et que par ce moien je suis  
 “libre, n’estant soubs obeissance de pere ni de  
 “mere, des mayntenant je proteste, que luy  
 “estant en la mesne liberte, je seray preste et  
 “d’accomplir les ceremonies require au mariage.” But at the conclusion of the contract,  
 “et la presente signee de ma mayne escrit ce,” she stopped, and hesitated to annex either the date or her name, apparently to conceal the fact, that her late husband was still alive. “La presente signe de ma mayne,” is a proof that she transcribed the form of another obligation not autographical, but written and signed by different persons, and in consequence of this clause, signe de ma mayne, the subscription in the Cotton copy, was probably added at a later period, on the supposition that the original had been also signed. In this view, the second contract is an unfinished obligation to Bothwell, from whom a counter obligation was probably received to the



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same effect<sup>8</sup>; to celebrate the marriage as soon as they should both be at liberty, “luy estant en “la mesne liberte,” by the death of her husband, and the divorce of his wife.

Second  
contract.

2. The second contract written by Huntley the chancellor, was signed at Seton, April 5th, by the queen and Bothwell, who take each other for husband and wife, and engage reciprocally to complete the marriage, “how sone the process of divorce already begunne and intentit betwix Bothwell and his pretensit spous, beis endit by the order of law.” The date is confirmed by a privy council held at Seton that same day<sup>9</sup>; and as it actually preceded the process of divorce, this apparent contradiction is thus explained in Murray’s Diary; that Huntley “for his restoring againe the forfaltour<sup>10</sup>

<sup>8</sup> This was Buchanan’s opinion; “*primus (contractus) ante parricidium, ipsius Reginæ manu scriptus, quo velut syngrapha, spondet, ei ubi primum sui juris foret, se nupturam;*” Buchanan, Hist. lib. xix. 374.

<sup>9</sup> Keith, 374.

<sup>10</sup> Three days afterwards, April 8th, Huntley procured from Murray, the day before his departure from Scotland, the bond at Whittingham, stating “that whereas Huntley was to be *restored to all things belonging to his progenitors* in consideration of his warranting certain transactions of Murray’s respecting the forfeited lands, the latter became bound to set forward the reduction of the forfeiture to the utmost of his power,” in other words not to oppose it in parliament by himself or his friends. See Appendix, No. VII.



“ had purchased ane procuratory, subscrievit  
“ with his sister’s hand,” to sue for a divorce.

On the supposition of forgery, Murray or Morton would have stated the action, as intended to be instituted, not as actually “ begun and intentit ;” but in a marriage contract framed expressly with a view to the divorce, Huntley, on obtaining his sister’s procuratory to commence the action, would state it by anticipation as actually commenced<sup>11</sup>. His *pretensit* spouse, explains the catholick ideas of a marriage within the prohibited degrees of blood. Bothwell’s marriage with his cousin had been contracted, in order to be ratified afterwards by a papal dispensation, without which their union, in the queen’s opinion, was an unlawful, if not a criminal intercourse, prohibited by the canons as void and null. Huntley himself, a sincere catholic, must have considered it as illegal, and if there was then no chance to procure a dispensation, would assent the more readily for the restitution of his own

Huntley’s restitution had been determined therefore on the 5th, and the bond was evidently exacted from Murray, before he was permitted to quit the kingdom. In consequence of his consent to the restitution of Huntley, he seems to have obtained the queen’s promise to confirm his right to the earldom of Murray. See Robertson, ii. 327.

<sup>11</sup> Very possibly a blank summons, containing little else than the pursuer’s name, was already *raised*, to be *libelled*, or the grounds of action inserted, when it was produced in court. See Balfour’s Practics.



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family, to Bothwell's divorce from his pretended spouse. The queen considered Lady Bothwell as such; but her adversaries regarded her own union with Bothwell as a *pretensit* marriage, or adulterous connexion with another wife's husband<sup>12</sup>, and the language natural to Mary, or to her chancellor, who studied to express her ideas, required a refinement in forgery, of which her opponents themselves were unconscious.

Third  
contract.

3. The two first were private contracts, unfit for public inspection, but before the celebration of the marriage, a third ostensible contract was necessary, in which much additional matter remained to be introduced. The bond of the nobility, recommending Bothwell as a husband to the queen; the queen's approbation and choice of a husband; his new title of Duke of Orkney; the grant and tenure by which he held those islands, had all occurred since the second contract of marriage, the preamble of which was that, "Hir Majestie now destitute of ane  
" husband, livyng solitary in the staite of wido-  
" heid, in the quhilk she maist willingly wald  
" continue, gif the weill of her relme and sub-  
" jectis wald permit it; but considering the in-  
" conveniences may follow, and the necessite that  
" hir majestie be couplit with ane husband, and  
" seeing quhat incommoditie may cum of ane

<sup>12</sup> Keith, 418. See Appendix, No. XI.



“ forein prince, she hes thought rather better to  
 “ to yield to ane of her awin subjectis, amangis  
 “ quhome she findis none mair able nor endewit  
 “ with better qualities than Bothwell.” But  
 material alteration was now necessary in conse-  
 quence of the bond of the nobility, as she mar-  
 ried Bothwell ostensibly at their earnest recom-  
 mendation and desire. In the third contract  
 therefore, her majesty “ being destitute of ane  
 “ husband, levand solitarie, in the state of wido-  
 “ heid, and yet young and of flourishing aige, apt  
 “ and able to procreate ma childeren, hes bene  
 “ pressit and humbly requirit to yield into sum  
 “ mariage; and mature deliberation being had  
 “ towert the personnage, the maist part of her  
 “ nobility thought better that she suld accept ane  
 “ of hir awin borne subjectis nor ony foreigne  
 “ prince; and they namand the said noble prince,  
 “ now Duke of Orkney, her majestie hes gra-  
 “ ciouslie accordit thairunto.” These new pre-  
 texts for contracting the marriage, the princely  
 rank to which he was raised, and the feudal te-  
 nure by which he held the Orkneys, required, not  
 only a different date, but a contract altogether dif-  
 ferent from the former; and if that second con-  
 tract were the *marriage* mentioned in her last  
 letter, as received on the eve of her seizure, the  
 appearance of it in the casket, and in Bothwell’s  
 possession, may be easily explained<sup>13</sup>. The pri-

<sup>13</sup> Whitaker, iii. 186.



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vate contract, “ though retained in her bosom  
“ till the marriage of their bodies should be  
“ made in public,” must have been placed in  
Huntley’s hands in order to frame another, be-  
fore the marriage ; and accordingly, when it was  
restored to Bothwell with the public contract, the  
one was found in his private repositories, while  
the other was engrossed in the public records.  
But the private, instead of being a copy, or ab-  
stract from the public contract<sup>14</sup>, is evidently the  
original from which the latter was framed ; and  
it is observable that the two first contracts writ-  
ten by Mary, or under her inspection, are far su-  
perior in delicacy to the last ; a circumstance in  
vain imputed to the consummate art of the for-  
gers, who were more desirous to aggravate,  
than to extenuate, the grossness of her guilt.

<sup>14</sup> Whitaker is surprised that a *secret* contract, not intended  
for the public eye, should be written by the chancellor, and  
seems disappointed that the supposed forger should omit  
the bond of the nobility to Bothwell, and every fact poste-  
rior to the date of the second contract. Id. 187.

END OF VOL. I.



































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